MICHIGAN FARM LAWS

WITH

BUSINESS FORMS

AND

MODEL BUSINESS LETTERS

COMPLIMENTS OF THE

FIRST STATE & SAVINGS BANK

HOLLY, MICHIGAN

SAVINGS DEPOSITS BEAR 4% INTEREST
GROWTH IN THREE YEARS OVER $200,000
WE SOLICIT YOUR BUSINESS

First State & Savings Bank

HOLLY, MICHIGAN

D. D. HADLEY. President — C. A. WILSON, Cashier
J. W. McKINNEY, Vice Prest. — EMMA SARGENT, Asst. Cashier

Directors

D. D. HADLEY — J. W. McKINNEY
J. D. HADDON — F. J. BARRETT
ELI BIRD — C. A. WILSON

Savings Deposits Bear 4% Interest

Capital Stock . . $30,000
Surplus and Profits 58,000

A Successful Bank Operated and Owned by Successful Men

The Strength of a Bank is based on the character of its assets, and the men behind it.

This Bank for forty years has been a pillar of strength in this community, keeping its resources absolutely clean and dependable.

Ever since its organization this Bank has been under careful management.

Its Officers and Directors are men that have achieved success in banking and other lines of business.

The fact that we have safely weathered every financial storm during our career, and are today greater and stronger than ever is evidence of good management.

Our Directors are money loaners not borrowers, a fact of the utmost importance to the depositor.

If you are not already a patron of this strong and successful Bank we invite you to become one. If you are, tell your friends about us.

The Michigan Manufacturing & Lumber Co.

Lumber

WHOLESALE
AND
RETAIL

Holly Flint Detroit Millersburg

L

1,000 cars of lumber would reach from Holly to Linden or Clyde, and nearly to Grand Blanc or Clarkston; we handle annually more than this amount.

U

We buy in round lots, direct from the manufacturer; thus saving all middlemen's profits.

We have our extensive lumber and manufacturing business in Holly, a lumber yard in Flint, and in 1910 we built 22 houses in Detroit.

M

We do not sell shoddy grades and then make what seem to be low prices, but quality considered, we defy competition.

We buy for spot cash

B

We keep a large stock and variety, with the best of mill facilities. We not only keep every kind of common lumber, but oak, southern pine and other interior finish worked to special patterns, or otherwise.

E

There is nothing too difficult, too large, or too small for us to handle. We deliver lumber in any quantity in Grand Blanc, Linden, Gaines, Davisburg, Clarkston, Waterford, Drayton Plains, Clyde, Highland, Wixom, Novi, Swartz Creek, Davison and elsewhere.

R

Michigan Farm Laws

WITH

Business Forms

AND

Model Business Letters

BY

WILLIAM K. WILLIAMS

ATTORNEY-AT-LAW

COLUMBUS, OHIO

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COLUMBUS, OHIO

The Michigan Manufacturing & Lumber Co.

Fenton, Michigan, February 3rd, 1911.

Gentlemen:

I take the liberty at this time to say I wish to thank you for the courteous treatment I have received in the last three year's deal with you.

My orders have been delivered promptly; always up to the specified quality and in clean, bright, unmarred condition, and at rather better rates than I could have secured from others on delivered orders.

I intend to place my orders this season with you.

Yours respectfully,

(Signed) O. W. O'DELL
R. F. D. 1

We Guarantee Satisfaction

Lumber	Windows	Mouldings	Metal Shingles
Lath	Doors	Columns	Roofing
Shingles	Finish	Posts	Paint

Everything in Wood That Builds a House

WITHDRAWN

PREFACE.

When a man is brought before a court of justice for some offense he may have committed and offers his want of knowledge of the law in excuse for his conduct, he is told that "Ignorance of the law *is* no excuse," and he is made suffer the penalty. As courts only require of each citizen the full and fair performance of his duty, and nothing beyond, we must therefore conclude that the reason the plea of ignorance is not accepted, is because it falls within the duty of every man to know the law. But this does not mean that a man shall know all the law; none but those who make its study and practice a profession are expected to have a special knowledge of its many branches or departments. The average citizen has probably performed his full duty when he has made himself familiar with those laws of his state relating to his own occupation, his property rights, and those which govern his conduct and course of action as a member of society.

To afford to the farmers of Michigan, and others interested in that occupation, an opportunity to gain a knowledge of the laws of the state relating to farms, farming and kindred matters, has been the object in the preparation of this volume. A careful study of its pages will advance the reader well toward that point where he may feel that he has fairly discharged the duty of informing himself in those matters which are of daily concern to all persons residing in farming communities, or who are in any way interested in agricultural pursuits. The chapters on business forms and model business letters were added for instruction in practical business matters and correspondence.

The number enclosed in brackets at the end of any paragraph indicates that such paragraph is in the same language, or, is, in substance, the same as the section of like number in the Compiled Laws of the state. Where a full Act of the legislature is given, the sectional numbers of the act are used. The other references indicate decisions of courts, usually the highest court of the state in which the case was decided. The effort has been throughout to give the law accurately as it is found in force and operation in the state to-day. All repeals are stricken out and all amendments added, so that the person who shall obtain a copy may have a reliable book for reference on the subjects treated.

It is not to be inferred by any one into whose hands this book may fall that he shall thereby become his own **lawyer** No man not intending to make the practice of law a profession should study it with any view other than to educate himself and thus broaden his qualifications for the discharge of his duties as a citizen.

AUTHOR.

Columbus, Ohio, January 27, 1908.

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CHAPTER 1.

Animals.

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I. Not to Run at Large Except by Permission, Etc.

Animals not to run at large on public highway except by permission of supervisors, etc.: *The People of the State of Michigan enact,* That from and after the year one thousand eight hundred and sixty-seven, it shall not be lawful for any cattle, horses, sheep or swine to run at large in any public highway of this state: Provided, That this act shall be inoperative only in those counties or parts of counties in which it shall be so determined by resolution passed by the board of supervisors of such county: Provided further, That the powers granted to boards of supervisors in this section, shall not abridge the powers reserved to the people of a township, in section four of chapter twelve, of compiled laws of eighteen hundred and seventy-one. [5606.]

Power reserved to the people of a township referred to above: The inhabitants of each township may, at any legal meeting, by a vote of the qualified electors thereof, make all such orders and by-laws for determining the time and manner in which cattle, horses, swine, sheep, and other animals shall be restrained from going at large in the highways, and for directing and managing the prudential affairs of the township, as they shall judge most conducive to the peace, welfare and good thereof. [Sec. 2271, being Sec. 4 of Chapter 12.]

Supervisors may allow animals to run at large: In case the board of supervisors in any county shall pass a resolution allowing any of the classes of animals named in section one of this bill to run at large in the public highway, then in such county, after the year one thousand eight hundred and sixty-seven, the following sections of this act shall be null and void, but otherwise they shall be in full force. [5607.]

Seizure of animals running at large: It shall be the duty of the overseer of highways to seize and take into his custody and possession any animal forbidden to run at large, which may be running at large in any highway of which he is overseer, contrary to the provisions of the foregoing section, and it shall be lawful for any person to seize and take into his custody and possession any animal which may be in any public highway, and opposite the land owned or occupied by him, contrary to the provisions of the foregoing section; and it shall be lawful for any person to take into his custody and possession any animal which may be trespassing upon premises owned or occupied by him. [5608.]

Cattle in the public highway in charge of a person directing or controlling their movements, are not running at large. — Bertwhistle v. Goodrich, 53 Mich. 459.

Duty of person after making seizure of animals; notice of sale; fees; disposal of surplus money; redemption of animal: Whenever any such person shall seize and take into custody or possession any animal under the authority of the next preceding section, it shall be the duty of such person to forthwith cause a description of said animal or animals to be entered upon a book to be kept by the clerk of the town, city or village in which such animals were taken up, and shall thereupon give immediate notice to a justice of the peace, or a commissioner of highways of the town, city, or village in which such seizure and possession shall have been taken, and such justice or commissioner shall thereupon give notice by affixing the same in three public and conspicuous places in said town, city, or village, one of which shall be the district school-house nearest the residence of such justice or commissioner, that such animal or animals will be sold at public auction, at some convenient place (to be specified in such notice) in said town, city, or village, not less than fifteen nor more than thirty days from the time of the affixing of such notice. The same justice or commissioner shall proceed to sell the said animals for cash, and out of the proceeds thereof shall, in the first place, retain the following fees and charges for his services in giving said notice and making such sale, viz.: for the first horse sold three dollars, and for every additional horse one-half dollar; for each cow, calf, or other cattle, not exceeding five in number, one dollar; and for every additional cow, calf, or other cattle, twenty-five cents; and for every sheep or swine, not exceeding

five in number, one-half dollar; and for every additional sheep or swine, ten cents; together with a reasonable compensation, to be estimated by such justice or commissioner, to be paid the person making the seizure for the care and keeping of said animal or animals, from the time of the seizure to the sale thereof. If there shall be any surplus money arising from said sale, the said justice or commissioner shall retain the same in his hands, and pay the same to the owner or owners of said animal or animals, after a reasonable demand therefor, and satisfactory proof of such ownership: Provided, Such owner or owners shall appear and claim such surplus moneys within one year after sale. And if the owner or owners of such animal or animals shall not appear and demand such surplus moneys within one year after such sale has been made, he shall be forever precluded from recovering any part of such moneys; and the same shall be paid to the treasurer of the town for the use of the town, and his receipt therefor shall be a legal discharge of said justice or commissioner: Provided, That any animal sold in pursuance of this act may be redeemed any time within six months following such sale, by paying the expenses of such custody and sale, and a reasonable compensation for keeping the same. [5609.]

How owner to obtain possession of animal before sale; owner may demand animal within three days of sale: Any owner of any animal which shall have been seized under and pursuant to the foregoing provisions, may at any time before the sale thereof, demand and shall be entitled to the possession of such animal, upon the payment by him of the several sums hereinbefore required to be paid to the said justice or commissioner, and to the person by whom the seizure aforesaid shall have been made, together with a reasonable compensation to the person making such seizure for the care and keeping of such animal, to be estimated and fixed by such justice or commissioner, and upon making to such justice or commissioner satisfactory proof of ownership. And if such owner shall make such demand and proof at least three days before the time appointed for such sale, he shall be entitled to the custody and possession of such animal, upon paying one-half of the several sums above mentioned, together with the whole amount of compensation awarded by the said justice or commissioner. [5610.]

When owner is not liable for fees; penalty: In case the animal so seized under the foregoing provisions of this act, shall have been so running at large or trespassing by the willful act of any other person than the owner, to effect that object, such owner shall be entitled to the possession of such animal by making the demand therefor, and the proof required in the next preceding section, and paying to the person making such seizure the amount of compensation fixed by such justice or commissioner, for the care and keeping of such animal, and without paying any other charges; and the person committing such willful act shall be liable to a penalty

of twenty dollars, to be recovered in an action at law at the suit of the owner of such animal, or the person making such seizure. [5611.]

NOTE — The foregoing laws do not apply to that portion of the state lying north of the tier of townships twelve north, unless so ordered by the board of supervisors of any county lying north of said tier of towns. [5612].

Township Pounds for Impounding Cattle, Etc.

Township pound: Each township may at its own expense, and in such places therein as the electors shall direct, provide and maintain one or more sufficient pounds, in which swine, sheep, horses, asses, mules, goats, and neat cattle may be restrained, and kept from going at large contrary to law, or to any by-law of such township. [2437.]

Injury to pound a misdemeanor: If any person shall wilfully injure any pound maintained by any township, he shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine not exceeding fifty dollars, or by imprisonment in the county jail not exceeding ninety days, at the discretion of the court. [2438.]

Animals from Running at Large in Certain Cities and Villages Within this State.

Unlawful for cattle to run at large in cities, etc.; exception: It shall not be lawful for any cattle, horses, mules, sheep, swine, or goats to run at large in any public street, lane, alley, park, place, or highway, in any city or village within this state having a population of seven thousand or more inhabitants; and it shall be the duty of every commissioner of highways, pound-master, marshal, deputy marshal, policeman, and constable of any such city or village to seize and take into his possession as herein provided, and keep until disposed of according to law, any animal so found running at large: Provided, The city of Ludington be exempt from the operations of this act. [5613.]

Common council or board of trustees to provide pounds; pound-master; seizure of animals: It is hereby made the duty of the common council or board of trustees of every such city or village to provide one or more suitable and convenient pound or pounds, and to appoint one or more pound-masters who shall have charge thereof, and such pound-master or other person having charge of such pound shall receive and keep therein any animal mentioned in the first section of this act, that may have been or may be found running at large contrary to said section, upon the request of any person. And it shall be lawful for any person to seize and take into custody and retain till disposed of as required by law, any animal mentioned in said first section of this act, which may be trespassing upon premises owned or occupied by such person, or such animal may be driven to and kept in said pound

as herein provided, and any inhabitant of any such city or village may take into custody till disposed of as required by law, any animal found running at large contrary to said first section of this act, if at the time there shall not be kept and maintained within such city or village a suitable pound within a distance of not more than two miles from the place where such animal may be found, or if there shall not be a pound-master in charge thereof, who will receive and keep the same as herein provided. [5614.]

Fees for taking up animals in cities and villages: The officer or person making such seizure, shall receive, for every horse, mule or colt, one dollar; for every cow, calf or other cattle, each fifty cents, and for every goat, sheep, or swine, twenty-five cents, together with the actual damages sustained by such person by reason of the tresspass or breaking of such animal into his premises, and compensation to such person or officer for the care and keeping of such animals from the time of the seizure thereof to the sale at the rate specified in the next section of this act, and the said recorder or justice shall be allowed the sum of one dollar for each animal so sold, and the marshal, deputy marshal or constable, the same fees as for service of a summons and execution in civil actions. [5615.]

Owner entitled to possession of animal impounded upon payment of certain fees and costs, etc.: The owner of any animal which shall have been seized or impounded under and pursuant to the foregoing provisions may, at any time before the making of the complaint hereinbefore provided for, demand and shall be entitled to the possession of such animal upon the payment to the pound-master or the person in charge of such pound, if such animal shall have been impounded, and if not, then upon payment to the person or officer who shall have seized or taken such animals into his possession, the fees provided for in the preceding sections for the seizure of such animal; and if such animal shall have been impounded, the farther fee of fifty cents for every horse, mule, colt, cow, calf, or other cattle, and twenty-five cents for every goat, sheep or swine, which said fee shall belong to such pound-master or person in charge of such pound, and the farther sum of one dollar per day as compensation for keeping every such horse, mule or colt, and seventy cents per day for every cow, calf or other cattle, and fifty cents per day for every goat, sheep or swine for each day since and including the day such animal was seized, impounded or taken into possession as aforesaid. At any time after the making of said complaint and before the sale of said animal, the owner thereof may make demand and claim for such animal before the recorder or justice before whom said proceedings shall have been commenced; and upon making satisfactory proof of ownership of said animal before said recorder or justice, and upon paying to him the fees and compensation for keeping such animal hereinbefore in this section provided for, and [all] other fees and expenses that shall

have accrued up to the time of making such demand and proof, he shall be entitled to the custody and possession of such animal. And the said recorder or justice shall fix and determine the amount of the fees, expenses and compensation in accordance with the provisions of this act, and shall pay the same to the officer or person entitled thereto. [5616.]

Replevin: The provisions of this act shall not be construed to deprive the party claiming the ownership of said property from bringing his action in replevin for the recovery of the same in case the same has been unlawfully seized. [5620.]

Penalty for rescuing animals from pound, etc.: If any person shall rescue any animal mentioned in this act, when impounded, or while being driven or taken to the pound or other place of custody by any officer or person in charge of such animals, or while such animals are shut up by and in the custody of any person for trespassing upon premises, or for unlawfully running at large under this act, he shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by fine not more than fifty dollars nor less than ten dollars, with costs of prosecution, or by imprisonment in the county jail not exceeding thirty days, or by both such fine and imprisonment in the discretion of the court. [5621.]

Penalty for impounding animals unlawfully: If any person shall take any animal not running at large contrary to law from the stable, pasture, or any enclosure or other place where such animals are lawfully and rightfully kept, or may be, or drive, or let them out, or untie, or unloose the same, or shall knowingly seize or take the same from the custody of any person driving or taking the same on the public highway or streets to or from a pasture or to or from any other place where the same may be lawfully taken or driven, for the purpose of impounding such animals contrary to law, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by fine of not more than ten dollars nor less than five dollars, with costs of prosecution, or by imprisonment in the county jail not exceeding ten days, or by both such fine and imprisonment in the discretion of the court. [5622.]

Under what laws animals to be impounded: The distraining and impounding of animals under this act shall be governed by chapter two hundred and fourteen of the compiled laws of eighteen hundred and seventy-one, for "distraining and replevying beasts," except as otherwise provided in this act. [5623.]

Bulls, stallions, boars and rams not to run at large: If the owner of any bull, stallion, boar or ram shall allow the same to go at large out of his enclosure, he shall forfeit the sum of five dollars for such offense, to be recovered on complaint before any justice of the peace of the county in which such owner may live, and twice that amount on any subsequent conviction: Provided, That such complaint shall

be prosecuted within thirty days next after such animal shall be found at large as aforesaid. [5625.]

Further penalty: In addition to the penalty prescribed in the foregoing section, the owner of said bull, stallion, boar or ram thus found going at large, shall be liable to the owner of any cow, mare, sheep or swine, for any and all damages arising from the going at large of such animals as aforesaid, to be recovered on any suit brought before any court of competent jurisdiction. [5626.]

NOTE — The board of trustees of any summer resort may prevent dogs or other animals running at large on grounds. [Sec. 7646].

Distraining or Replevying Beasts.

Beasts distrained to be impounded: When any beasts are taken up and distrained by any person, for going at large, contrary to law, or contrary to any by-law of a township, they shall be forthwith impounded in the township pound, and the keeper of such pound shall furnish them with suitable food and water, so long as they are detained in his custody. [10688.]

Fees for distraining and impounding: The person so taking up and distraining the same shall be entitled to fifty cents per head for all horses, mules, asses and neat cattle, and ten cents per head for all sheep, goats and swine, so distrained by him; and the pound keeper shall be entitled to four cents per head for all the said animals so impounded. [10689.]

Beasts not to be delivered until fees and expenses paid: The pound keeper shall not deliver to the owner any beasts so impounded, until such owner shall pay him his fees and the expense of keeping such beasts, and also the fees due the person distraining said beasts, which last mentioned fees he shall pay to such person. [10690.]

Proceedings in case of injury by beasts: When any person is injured in his land, by sheep, swine, horses, asses mules, goats or neat cattle, he may recover his damages in an action of trespass, or trespass on the case, against the owner of the beasts, or against the person having the care and control of such beasts, or by distraining the beasts doing the damage, and proceeding therewith as hereinfater directed; but if the beasts shall have been lawfully on the adjoining lands, and shall have escaped therefrom in consequence of the neglect of the person who has suffered the damage, to maintain his part of the division fences, the owner or person having the control of the beasts shall not be liable for such damage. [10691.]

Impounding beasts doing damage: The beasts so distrained for doing damage, shall be impounded in the township pound, if there be one, and the distrainer shall leave with the pound keeper a memorandum in writing, signed by him, stating the cause for distraining, and the sum

that he demands from the owner, for the damages done by the beasts. [10692.]

Beasts not to be delivered until damages, fees and expenses paid: The pound keeper shall not deliver the beasts to the owner, until such owner shall pay him his fees, and the expense of keeping such beasts, together with the sum so demanded by the distrainer, and the expense of advertising such beasts, if they shall have been advertised, and all other legal costs and expenses. [10693.]

When person impounding beasts to have care of them: If there shall be no public pound within the township, the beasts shall be impounded in some suitable place under the immediate care and inspection of the person who distrained them, and he shall furnish them with suitable food and water so long as they remain impounded. [10694.]

Notice to owner, etc.: When beasts are impounded for either of the causes aforesaid, the person impounding them shall, within twenty-four hours thereafter, give notice thereof to the owner or person having the care or control of them, if known, and living within six miles from the place of impounding, which notice shall be delivered to the party, or left at his place of abode, and shall contain a description of the beasts, and a statement of the time, place and cause of impounding. [10695.]

When notice to be posted up in public places: If there shall be no person entitled to notice according to the provisions of the preceding section, the person impounding the beasts shall, within forty-eight hours thereafter, cause to be posted upon in three public places in the township, and in a public place in each of any two adjoining townships, if within four miles from the place where they were taken, a written notice, containing a description of the beasts, and a statement of the time, place and cause of impounding. [10696.]

When notice to be published in newspaper: In case notice shall be given by posting up the same, if no person shall appear to claim the beasts within seven days after the day of impounding, a like notice shall be published for three successive weeks, in some public newspaper, if any there shall be published within twenty miles of the place of impounding, the first publication to be within fifteen days after the day of impounding. [10697.]

Proceedings if owner dissatisfied with claim: If the owner or keeper of the beasts shall be dissatisfied with the claim of the person impounding them, he may have the amount for which he is liable ascertained and determined by two disinterested and discreet persons, to be appointed and sworn for that purpose by a justice of the peace; and the sum determined by them shall be received instead of the sum demanded by the person who impounded the beasts, and they shall thereupon be delivered to the owner or keeper thereof. [10698.]

Same: If the sum for which the beasts are impounded and detained, shall not be paid within fourteen days after notice of the im-

pounding shall have been given, as before directed, or after the last publication of such notice in a newspaper, and shall not have been determined as aforesaid, the person who impounded them shall apply to a justice of the peace, and obtain a warrant to two disinterested and discreet persons, to be appointed and sworn by the justice; and the persons so appointed and sworn shall ascertain and determine the sum due from the owner or keeper of the beasts, for the damages, costs and expenses for which they are impounded and detained, including a reasonable compensation for their own services. [10699.]

If sum not paid, beasts to be sold: If the sum so found to be due shall not be forthwith paid, the person who impounded the beasts shall cause them to be sold by auction in the township where they are impounded, first advertising the sale by posting up a notice thereof in three public places in the same township, at least five days before such sale. [10700.]

How proceeds disposed of: The proceeds of the sale, after paying all the said damages, costs and expenses, with the charges for advertising and selling the beasts, shall be deposited in the treasury of the township, for the use of the owner of the beasts, in case he shall substantiate his claim thereto, within two years from the time of sale. [10701.]

Beasts escaped or rescued, may be retaken: If any beasts that have have been lawfully distrained or impounded, shall escape or be rescued, the pound keeper or person who distrained them, may, at any time within seven days thereafter, retake such beasts, and hold and dispose thereof, as if no escape or rescue had taken place. [10702.]

Penalty for rescuing beasts distrained: If any person shall rescue any beast distrained or impounded for any cause, he shall be liable to an action on the case, to be brought by any person injured, to pay all damages which such person shall have sustained thereby, and all the fees and charges which shall have been incurred before the rescue, and shall also forfeit a sum not less than five, nor more than twenty dollars. [10703.]

Legality of distress to be tried only in action of replevin: The defendant in any action brought for rescuing beasts distrained or impounded, shall not be allowed to allege or give in evidence the insufficiency of the fences, or any other fact or circumstance to show that the distress or impounding was illegal; but if there is any ground of objection to the proceeding, of which he is entitled to avail himself, he may have the advantage thereof in an action of replevin, to be brought as provided in the following sections. [10704.]

Owner may have writ of replevin: Any person whose beasts are distrained or impounded, in order to recover any penalty or forfeiture supposed to have been incurred by their going at large, or to obtain satisfaction for any damages alleged to have been done by them, may have a writ of replevin therefor out of the proper court, and the same

proceedings shall be had thereon as in other cases of replevin, except as hereinafter provided. [10705.]

Affidavit to be annexed to writ: Such writ shall not be executed in any case, unless the plaintiff in the action, or some person knowing the facts, shall make and annex to the writ an affidavit stating therein that the beasts, describing them, have been distrained or impounded, and are detained by the defendant, an that the plaintiff therein is the owner of such beasts, or that he has a lawful right to the possession thereof. [10706.]

Bond to be given; consequence of failure: The writ shall be served, and the property shall be appraised, and before delivery thereof to the plaintiff, a bond shall be given in like manner, and with the same effect as in other cases of replevin; but such property shall not be removed by the officer until such bond shall be given; and if such bond be not given within the time limited for that purpose, the property shall be relinquished by the sheriff, and such failure shall be deemed a discontinuance of the suit by the plaintiff. [10707.]

Judgment for defendant; how to be rendered: If the beasts shall be replevined and delivered to the plaintiff, and judgment of nonsuit or of discontinuance be rendered against the plaintiff, or if it appear on the trial that the beasts were lawfully distrained, the defendant shall have judgment for such sum as shall be due from the plaintiff, for the penalty or forfeiture, or for the damages for which the beasts were impounded, together with all the lawful fees, costs, charges and expenses incurred by reason of the distress, to be assessed as in other cases, and also his costs of the action of replevin. [10708.]

Judgment for plaintiff: If the plaintiff shall recover judgment against the defendant by default, or if it shall appear upon the trial that the beasts were distrained without any sufficient or justifiable cause, the plaintiff shall recover his damages caused by the unlawful detention of such beasts, to be assessed as in other actions of replevin, together with his costs of suit. [10709.]

II. Cruelty to Animals.

Cruelty to animals defined; penalty: Whoever overdrives, overloads, drives when overloaded, overworks, tortures, torments, deprives of necessary sustenance, cruelly beats, mutilates, or cruelly kills, or causes or procures to be so overdriven, overloaded, driven when overloaded, overworked, tortured, tormented, deprived of necessary sustenance, cruelly beaten, mutilated, or cruelly killed, any animal, and whoever having the charge or custody of any animal, either as owner or otherwise, inflicts unnecessary cruelty upon the same, or wilfully fails to provide the same with proper food, drink, shelter, or protection from the weather, shall, for every such offense, be punished by imprison-

ment in jail not exceeding three months or by fine not exceeding one hundred dollars, or by both such fine and imprisonment. [11739.]

Keeping or using animals for fighting, etc., prohibited, penalty: Any person who shall keep or use any bull, bear, dog, cock, or other animal or fowl or bird, except English sparrows and pigeons, for the purpose of fighting, or baiting or as a target to be shot at, as a test of skill in marksmanship; and any person who shall be a party to or be present as a spectator at any such fighting, baiting or shooting of any bear, dog, cock, or other animal, or fowl or bird, except English sparrows and pigeons, and any person who shall rent any building, shed, room, yard, ground or premises, for the purpose of fighting, baiting or shooting any animal, fowl or bird, except English sparrows and pigeons, as aforesaid, or shall knowingly suffer or permit the use of any building, shed, room, yard, ground or premises belonging to him or under his control, for either or any of the purposes aforesaid, shall on conviction thereof, be adjudged guilty of a misdemeanor: *Provided*, That no bounty shall be paid for any English sparrow that may be killed when used as a target or to be shot at as a test of skill in marksmanship: *And provided*, That it shall not be lawful for any person or persons to engage in the propagation of English sparrows for the purpose allowed in this act, or for any other purpose; and that on conviction for each or any offense mentioned in this act, the person or persons so convicted shall pay a fine of not less than ten nor more than fifty dollars, or be imprisoned in the county jail for a period of not more than three months, or by both such fine and imprisonment, in the discretion of the court. [11740 as amended June 9, 1899.]

Other acts deemed cruel; penalty: Every owner, possessor, or person having the charge or custody of any animal, who cruelly drives or works the same when unfit for labor, or who shall carry, or cause to be carried on or upon any vehicle, or otherwise, any live animal having the feet or legs tied together, or in any other cruel and inhuman manner, or shall abandon any maimed, sick, infirm, or disabled animal to die in any public place, or who shall carry or cause to be carried any live animal in or upon any vehicle, or otherwise, without providing suitable racks, cars, crates, or cages, in which such animals may stand, or lie down during transportation, and whilst awaiting slaughter, such person shall, upon conviction thereof, be adjudged guilty of a misdemeanor, and shall be punished for every such offense in the manner provided in section one [11739 above] of this act. [11741.]

NOTE: Surgical operations upon animals: It shall be unlawful for any person in this state to perform the following named surgical operations upon animals without first administering either local or general anaesthesia: The emasculation of hermaphrodities, the emasculation of mares and female dogs, the operation of fistulous wethers and poll-evil, lithotomy and all forms of neurectomy, the Caesarean operation, the operation for umbilical and scrotal hernia and the operation for wind-broken horses called laryngio crycorectomy. [From Public Act No. 143, approved June 26, 1909.]

Animals confined on railroad cars to be unloaded and fed, etc.; penalty for failure; No railroad company, in the carrying or transportation of animals, shall permit the same to be confined in cars for a longer period than twenty-eight consecutive hours without unloading the same for rest, water, and feeding, for a period of at least five consecutive hours, unless prevented from so unloading by storm, or other accidental causes. In estimating such confinement, the time during which the animals have been confined without rest, on connecting roads from which they are received shall be included, it being the intention of this act to prevent their continuous confinement beyond the period of twenty-eight hours, except on contingencies hereinbefore stated. Animals so unload shall be properly fed, watered, and sheltered during such rest, by the owner or person having the custody thereof, or, in case of his default in so doing, then the railroad company transporting the same, at the expense of said owner or person in custody thereof; * * * * Any company, owner or custodian of such animals, who shall fail to comply with the provisions of this section, shall, for each and every such offense, be liable for, and forfeit, and pay a penalty of not less than one hundred nor more than five hundred dollars [11742.]

Arrest of persons violating provisions of this act and seizure and delivery of animals to pound-master: Persons found violating any of the provisions of this act may be arrested and held without warrant, in like manner as in the case of persons found breaking the peace, and it shall be the duty of the person making the arrest to seize all animals and fowls found in the keeping or custody of the person arrested, and which are then being used, or held for use in violation of any of the provisions of this act, and the person making such seizure shall cause such animals or fowls to be at once delivered to a pound-master of the town, village, or city in which the same may be, and it shall be the duty of such pound-master to receive such animals or fowls, and to hold the same and proceed in regard to them in all respects as provided by law in other cases of animals impounded. [11743.]

NOTE — Sections 11744 to 11748 relate to duties of officer in prosecuting cases for cruelty to animals, etc.

III. Dogs, Law of; license and taxation of; Sheep Claims, Etc.

Regulations by township or village relating to dogs: The inhabitants of any township or incorporated village, may make such by-laws concerning the licensing, regulating and restraining of dogs going at large, as they shall deem expedient, and may affix any penalties not exceeding ten dollars, for any breach thereof; but no such by-laws shall extend to any dog not owned or kept in such township, and no person shall be obliged to pay more than two dollars annually for any license granted under the provisions of this chapter. [5590.]

Moneys to be paid to treasurer: All money received for the several licenses mentioned in this chapter, shall be paid to the treasurer, for the use of the township or village, as the case may be. [5591.]

Protection of Sheep and Other Domestic Animals and for Other Purposes.

When dogs may be killed: Any person may kill any dog that he may see chasing, worrying, wounding, or killing any sheep, lambs, swine, cattle, or other domestic animal, out of the enclosure or immediate care of the owner or keeper, unless the same be done by the directions or permission of such owner or keeper; or any dog that may suddenly assault him while he is peacably walking or riding anywhere out of the enclosure of the owner or keeper of such dog. [5592.]

Owner of dog liable for damages: If any dog shall have killed or assisted in killing, wounding or worrying any sheep, lamb, swine, cattle, or other domestic animal, or that shall assault or bite, or otherwise injure any person while traveling the highway or out of the enclosure of the owner or keeper of such dog, such owner or keeper shall be liable to the owner of such property or person injured in double the amount of damages sustained, to be recovered in an action of trespass, or on the case, and it shall not be necessary, in order to sustain an action, to prove that the owner or keeper knew that such dog was accustomed to do such damage or mischief; and upon the trial of any cause mentioned in this section, the plaintiff and defendant may be examined under oath, touching the matter at issue, and evidence may be given as in other cases; and if it shall appear to the satisfaction of the court by the evidence, that the defendant is justly liable for the damages complained of under the provisions of this act, the court shall render judgment against such defendant for double the amount of damages proved, and costs of suit; but in no case shall the plaintiff recover more than five dollars costs. [5593.]

Owner shall cause dog to be killed; penalty for neglect: The owner or keeper of any dog which has been chasing, worrying, wounding or killing any sheep, lamb, swine or cattle (not the property of such owner or keeper), out of his enclosure, or which has assaulted or bitten any person while peacably walking or riding out of the enclosure of the owner or keeper, shall, within forty-eight hours after having received notice thereof in writing, cause such dog to be killed. For every neglect so to do, he shall forfeit the sum of three dollars, and the further sum of one dollar and fifty cents for every forty-eight hours thereafter, until such dog shall be killed, unless it shall satisfactorily appear to the court before which a suit shall be brought for the recovery of said penalty, that it was not in the power of such owner or keeper to kill such dog. But no recovery shall be had, unless it shall satisfactorily appear that such dog has done the mischief of which such owner or keeper has had notice as aforesaid. [5594.]

Supervisor to sue for penalty; moneys to be paid into township treasury: Whenever a citizen of any township where the trespass has been committed, shall make a complaint in writing, verified by

his oath or other testimony, to the satisfaction of the supervisor thereof, that a penalty imposed by the provisions of this act has been incurred, he shall commence a suit for the recovery thereof in his name of office, and prosecute the same with due diligence; and the moneys recovered shall be by him paid into the township treasury, to be applied towards the incidental expenses of the township. [5595.]

[Tax upon dogs, passed April 8, 1901.]

SEC. 1. **Tax upon dogs:** *The People of the State of Michigan enact:* That in all townships and cities of this State, except in cities having and enforcing an ordinance imposing a tax or license fee on every dog owned or harbored in said city, there shall be annually levied and collected the following tax upon dogs: Upon every male dog over three months old owned or kept by one person or family, one dollar; upon every female dog over three months old owned or kept by one person or family, three dollars: *Provided,* That the tax upon a female dog whose ovaries have been removed shall be one dollar, and shall be so levied by the supervisor in every case when the person owning such dog shall file with such supervisor a certificate under oath of a veterinary surgeon that the ovaries of such dog had been removed.

SEC. 2. **Duty of assessor:** The assessor of every township or ward, at the time of making his annual assessment, shall inquire and ascertain the number of dogs liable to be taxed, and shall enter in lists to be made by him the name of every person in his respective township or ward owning or keeping any dog subject to the above tax, the number kept by such person, and the amount of tax to be paid by him.

SEC. 3. **To make duplicate lists, where filed, etc.:** The assessor of every township and ward shall, on or before the Tuesday next following the third Monday in May in each year, make out a duplicate of the lists made by him as provided in the preceding section and file the same with the township or city clerk of his respective township or city; said taxes, as provided for in the preceding section of this act, shall be assessed to and collected from such persons as shall be liable for the same, in the same manner as other township and city taxes are assessed and collected, and with like power to distrain and sell any property of the owner or owners, keeper or keepers of dogs liable to be taxed.

SEC. 4. **Collection of tax; metal label, how numbered, etc.; dogs to be killed; compensation for killing, how paid:** The collector to whom such tax rolls shall be delivered shall proceed and collect the sums of money therein specified, in the same manner and with like authority in all respects as in the collection of taxes imposed by the board of supervisors of the county, and shall, after deducting the commission allowed by this act, retain the remainder in the township or city treasury and subject to the orders of the township and city boards,

as provided in sections five and six of this act. The collector shall give to each person paying the tax on any dog, a receipt for the amount paid, which receipt shall bear date on which payment is made, shall describe the dog on which the tax was paid, and shall be numbered with a serial number and the year. He shall also give to such person a metal label that may be securely affixed to a dog collar. Such label shall bear the serial number and year, as does the receipt given, such receipts and labels to be paid for from the dog tax fund of said township or city: *Provided,* That in each and every case where the collector is unable to collect the tax in the manner above specified prior to the first day of February in each year it shall be his duty to provide the sheriff of such county with a list of each and every dog upon which such tax has not been paid, and it shall be the duty of the sheriff of such county to levy upon each and every dog upon which such tax has not been paid wherever said dog or dogs may be found, and it shall further be his duty to take possession of said dog or dogs and kill or cause the same to be killed. The absence of before mentioned label, or inability of owner to show a proper receipt, shall be sufficient evidence that the tax on any dog has not been paid. For this purpose the sheriff shall receive from the township or city in which said dog or dogs are assessed, a fee of one dollar for each and every dog so killed and buried, the same to be paid from the dog fund of said township or city upon the order of said township or city board.

SEC. 5. **Proceeding upon loss of sheep killed by dogs:** Whenever any person shall sustain a loss by the killing or wounding of his sheep or lambs by a dog or dogs, he may call on a disinterested justice of the peace of the township or city where such killing or wounding occurred, not of kin to such person, and not a member of the township board or city council, who shall proceed to view the sheep or lambs so killed or wounded, and if from such view he shall be satisfied that the same were killed or wounded by a dog or dogs, he shall make a certificate thereof in writing, stating the amount of damage sustained by such person, and shall deliver the same to the clerk of said township or city, who shall file the same in his office and record it in the records of the township or city. The said justice shall receive for his services in each case the sum of two dollars, to be paid out of the aforesaid fund, on the order of the township board or proper city officer or officers.

SEC. 6. **Proportionate payment of claims, etc.; certificates of damage:** At the annual meeting of the township board in each year, and at a meeting of the common council of each city in April of each year, the said board or council, as the case may be, shall examine all certificates of damages filed by the clerk as aforesaid, during the preceding year, and if satisfied that in any case or cases, the certified damages are excessive, they may reduce the same to such amount as they may deem just, and may order the payment of all such loss as they may consider just out of the fund aforesaid, if it be sufficient for

that purpose, and if not sufficient, they may order a proportionate payment of each claim. If the money in the fund aforesaid shall not be sufficient to pay all claims in full the balances on said claims remaining unpaid shall stand as claims against the aforesaid fund at the succeeding annual meetings of said board, or said council, as the case may be, until said claims are paid in full, and the claims filed each year shall take priority over claims of succeeding years until they have been paid in full, those claims of each year being paid in full or by a proportionate payment, as the state of said fund will permit. * * * *Provided,* That no payment of loss shall be made as provided for in this section, unless the party applying for the same shall make it appear to the satisfaction of the township board or common council that he has made all due efforts and has not been able to obtain satisfaction therefor from the owner or owners or the dog or dogs which shall have done the damage, or shall make it appear that he is unable to ascertain who are the owners or who is the owner of said dog or dogs. [Sec. 6 as amended 1907.]

SEC. 7. **Commission of collectors:** The collectors shall be allowed to retain a commission of four per cent upon all sums collected by them under the provisions of this act, * * * .

SEC. 8. **Penalty for neglect or refusal of officers to perform duty:** A fine not less than fifty dollars or more than one hundred dollars for each offense, or by imprisonment in the county jail for a period not exceeding ninety days.

SEC. 9. **Who deemed owner:** Every person in possession of any dog, or who shall suffer any dog to remain about his premises for the space of fifteen days previous to the assessment of a tax or previous to any injury, chasing, worrying or killing of sheep, shall be deemed the owner of such dog for all purposes of this act.

SEC. 10. **Penalty for keeping sheep killing dogs:** Any person or persons who shall knowingly keep any dog known to be a sheep-killing dog, or who shall keep any such dog after it shall come to the knowledge of such person that such dog has been engaged in the killing of sheep, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than ten nor more than fifty dollars, or by imprisonment in the county jail not exceeding three months, or by both such fine and imprisonment in the discretion of the court.

Approved April 8, 1901, to take effect at once.

NOTE — Sections 5596 and 5605 inclusive of the Compiled Laws, repealed.

RABIES AMONG DOGS.

(Hydrophobia, Mad Dogs.)

It is made the duty of township boards of health to investigate all reported cases of rabies (Hydrophobia) and establish such quarantine as may be necessary to prevent the spread of the disease. Said board may order the dogs of the township or any part thereof, confined or muzzled. A justice of the peace may upon complaint, and after hearing, order a

rabid dog killed, or confined, in case of doubt as to whether the disease exists. When any rabid dog shall infect any domestic animal with rabies and said animal shall die or be ordered killed on account thereof the owner of said animal shall be reimbursed for said loss in the manner and out of the fund provided by act number 48 of Public Acts of 1901 (See Sec. 6, pages 16 and 17 this book). However, if such infected domestic animal belong to the owner of the dog infecting the same then such owner shall not be reimbursed for his loss. Officers refusing or neglecting to perform their duties are subject to a penalty, and any person violating the provisions of this act or of a quarantine regulation, or order to restrain, confine or muzzle dogs, etc., is subject to a fine of not less than ten nor more than one hundred dollars or imprisonment in county jail not less than ten nor more than thirty days, or both fine and imprisonment. [From Public Act No. 306, approved June 2, 1909.]

IV. Diseases of Animals; Regulations for Preventing.

A. State Live Stock Sanitary Commission.

A state live stock sanitary commission; commission and veterinary surgeon: Said commission shall consist of three members who are practical agriculturalists and engaged in the live stock industries of the state. They are appointed by the governor for a term of six years, and are confirmed by the senate. A skilled veterinary surgeon, a graduate of a college of veterinary surgery, is also appointed to serve with the commission. His term is two years. The members of the commission each receive the sum of five dollars and the veterinary five dollars per day, and expenses for the time actually spent in the discharge of their respective duties. [Secs. 5627, 5628 and 5629.]

Duty of the commission; quarantine regulations, etc.: It shall be the duty of the commission to protect the health of the domestic animals of the state from all contagious or infectious diseases of a malignant character, and for this purpose it is hereby authorized and empowered to establish, maintain and enforce such quarantine, sanitary and other regulations as it may deem necessary. [5630.]

Duty of persons to report disease to health officer: It shall be the duty of any person who discovers, suspects, or has reason to believe that any domestic animal belonging to him or in his charge, or that may come under his observation, belonging to other parties, is affected with any disease, whether it be a contagious or infectious disease, to immediately report such fact, belief, or suspicion to the live stock sanitary commission, or a member thereof, or to the local board of health or some member thereof. [5631.]

Duty of local board of health to investigate cases reported; Commission to quarantine; expenses, how paid: It is hereby made the duty of all local boards of health, to whom cases of contagious or infectious diseases are reported, to immediately investigate the same, either in person by some member or members of the board, or by the employment of a competent and skilled veterinarian; and should such inves-

tigation show a reasonable probability that a domestic animal is affected with a contagious or infectious disease of a malignant character, the local board of health shall immediately establish such temporary quarantine as may be necessary to prevent the spread of the disease, and report all action taken to the commission or to some member thereof; and the acts of local boards of health establishing temporary quarantine shall have the same force and effect as though established by the commission itself, until such time as the commission may take charge of the case or cases, and relieve the local board of health. All expenses incurred by local boards of health in carrying out the provisions of this act shall be paid in like manner as are other expenses incurred by said boards in the discharge of their official duties. [5632.]

Commission to quarantine; state veterinarian to be notified; his findings to be reported to the commission; powers and duties of the commission and veterinarian: The commission or any member thereof to whom the existence of any infectious or contagious disease of domestic animals is reported shall forthwith proceed to the place where such domestic animal or animals are and examine the same, and if in his or their opinion any infectious or contagious disease does exist he or they are authorized to call upon the state veterinarian or other competent and skilled veterinarians proceed to the place where said contagious or infectious disease is said to exist and examine said animal or animals and report his or their finding to the said commission, which then shall prescribe such rules and regulations as in their judgment the exigencies of the case may require for the effectual suppression and eradication of the disease, and for that purpose the said commission may list and describe the domestic animals affected with such disease and those which have been exposed thereto and included within the infected district or premises, so defined and quarantined with such reasonable certainty as would lead to their identification, and no domestic animal liable to become infected with the disease or capable of communicating the same shall be permitted to enter or leave the district, premises or grounds so quarantined, except by the authority of the commission. The said commission shall also, from time to time, give and enforce such directions, and prescribe such rules and regulations as to separating, mode of handling, treating, feeding, and caring for such diseased and exposed animals as it shall deem necessary to prevent the two classes of animals from coming in contact with each other, and perfectly isolate them from all other domestic animals which have not been exposed thereto and which are susceptible of becoming infected with the disease, and the said commission and veterinarian are hereby authorized and empowered to enter upon any grounds or premises to carry out the provisions of this act. When in the opinion of the commission it shall be necessary to prevent the further spread of any contagious or infectious disease among the live stock of the

state, to destroy animals affected with or which have been exposed to any such disease, it shall determine what animals shall be killed, and appraise the same, as hereinafter provided, and cause the same to be killed and the carcasses disposed of as in their judgment will best protect the health of domestic animals of the locality. [5633.]

Governor to be notified of quarantine; quarantine proclamation to be issued: When the commission shall have determined the quarantine and other regulations necessary to prevent the spread among domestic animals of any malignant, contagious, or infectious disease found to exist among the live stock of the state, and given their order as hereinbefore provided, prescribing quarantine and other regulations, it shall notify the governor thereof, who shall issue his proclamation proclaiming the boundary of such quarantine and the orders, rules, and regulations prescribed by the commission, which proclamation may be published by written or printed hand bills posted within the boundaries or on the lines of the district, premises, places, or grounds quarantined: Provided, That if the commission decide that it is not necessary, by reason of the limited extent of the district in which such disease exists, that a proclamation should be issued, then none shall be issued, but such commission shall give such notice as may to it seem best to make the quarantine established by it effective. [5634.]

Commission to appraise animal ordered killed: Whenever the commission shall direct the killing of any domestic animal or animals it shall be the duty of the commissioners to appraise the animal or animals condemned, and in fixing the value thereof the commissioners shall be governed by the value of said animal or animals at the date of appraisement. [5635.]

Comission to issue a certificate to owner and report the same to governor; auditor to pay, etc.: Whenever any live stock shall be appraised and killed by order of the commission, it shall issue to the owner of the stock so killed a certificate showing the number and kind of animals killed, and the amount in their judgment, to which the owner is entitled, and report the same to the governor of the state, which certificate, if approved by the governor, shall be presented to the auditor general, who shall draw his warrant on the state treasurer for the amount therein stated, payable out of any money in the treasury not otherwise appropriated. [5636.]

Owner to be paid for animal killed; unless, etc.: When any animal or animals are killed under the provisions of this act, by order of the commission, the owner thereof shall be paid therefor the appraised value as fixed by the appraisement hereinbefore provided for: Provided, The right of indemnity on account of animals killed by order of the commission under the provisions of this act, shall not extend to the owners of animals which have been brought into the state in a diseased condition, or from a state, country, territory, or district in which the disease with which the animal is affected, or to which it has been

exposed, exists. Nor shall any animal be paid for by the state which may be brought into the state in violation of any law or quarantine regulation thereof, or the owner of which shall have violated any of the provisions of this act, or disregarded any rule, regulation, or order of the live stock sanitary commission or any member thereof. Nor shall any animal be paid for by the state which came into the possession of the claimant with the claimant's knowledge that such animal was diseased, or was suspected of being diseased, or of having been exposed to any contagious or infectious disease. [5637.]

Disposition of domestic animal affected with any contagious disease; penalty, etc.: Any person who shall have in his possession any domestic animal affected with any contagious or infectious disease, knowing such animal to be so affected, or, after having received notice that such animal is so affected, who shall permit such animal to run at large, or who shall keep such animal where other domestic animals not affected by or previously exposed to such disease may be exposed to its contagion or infection, or who shall sell, ship, drive, trade, or give away such diseased animal or animals which have been exposed to such contagion or infection, or who shall move or drive any domestic annimal in violation of any direction, rule or regulation, or order establishing and regulating quarantine, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not less than ten dollars nor more than one hundred dollars, or be imprisoned in the county jail not less than ten nor more than ninety days, or both such fine and imprisonment in the discretion of the court, for each of such diseased or exposed domestic animals which he shall permit to run at large, or keep, sell, ship, drive, trade or give away in violation of the provisions of this act. [5638.]

Penalty for bringing diseased animals into the state. Any person who shall knowingly bring into this state any domestic animal which is affected with any contagious or infectious disease, or any animal which has been exposed to any contagious or infectious disease, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined in any sum not less than one hundred dollars nor more than five thousand dollars, or be imprisoned in the state prison not to exceed one year, or both such fine and imprisonment in the discretion of the court. [5639.]

Refusal to allow the veterinarian to examine stock; penalty: Any person who owns or is in possession of live stock which is affected, or which is suspected or reported to be affected, with any infectious or contagious disease, who shall willfully prevent or refuse to allow the state veterinarian or commissioner or other authorized officer or officers to examine such stock, or shall hinder or obstruct the state veterinarian or other authorized officer or officers in any examination of, or in an attempt to examine such stock, shall be deemed guilty of

a misdemeanor, and upon conviction thereof, shall be fined in any sum not less than ten dollars nor more than one hundred dollars, or be imprisoned in the county jail not less than ten nor more than ninety days or both such fine and imprisonment in the discretion of the court. [5640.]

Penalty for violation of the law: Any person who shall willfully violate, disregard or evade, or attempt to violate, disregard or evade any of the provisions of the foregoing fourteen sections, or who shall willfully violate, disregard or evade any of the rules, regulations, orders or directions of the live stock sanitary commission establishing and governing quarantine, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in any sum not less than ten dollars nor more than one hundred dollars, or be imprisoned in the county jail not less than ten nor more than ninety days, or both such fine and imprisonment in the discretion of the court. [5641.]

Commission is authorized to employ persons and purchase supplies, etc.: The commission provided for in this act shall have power to employ at the expense of the state such persons and purchase such supplies and material as may be necessary to carry into full effect all orders by it given. [5642.]

Sheriff, et. al., to execute orders of commission; prosecuting attorney to prosecute; The commissioners shall have power to call upon any sheriff, under-sheriff, deputy sheriff, or constable to execute their orders, and such officers shall obey the orders of said commissioners, and the officers performing such duties shall receive compensation therefor as is prescribed by law for like services, and shall be paid therefor in like manner. And any officer may arrest and take before any justice of the peace of the county any person found violating any of the provisions of this act, and such officer shall immediately notify the prosecuting attorney of such arrest, and he shall prosecute the person so offending according to law. [5643.]

Importation of live stock into state to be prohibited, when; animals to be examined and quarantined, when: Whenever the governor of the state shall have good reason to believe that any dangerous, contagious, or infectious disease has become epizoötic in certain localities in other states, territories or countries, or that there are conditions which render such domestic animals from such infected districts liable to convey such disease, he shall by proclamation prohibit the importation of live stock, of the kind diseased into the state, unless accompanied by a certificate of health given by a duly authorized veterinary surgeon; and all such animals arriving in this state shall be examined immediately by the commission or some member thereof, and if he or they deem necessary he or they shall have said animals inspected by the state veterinary surgeon, and if in his opinion there is any danger from contagion or infection, they shall be placed in close quarantine until

such danger of infection or contagion is passed, when they shall be released by order of said commission or some member thereof. [5644.]

Administering oaths, etc.: For the purposes of this act each member of the live stock sanitary commission is hereby authorized and empowered to administer oaths and affirmations. [5645.]

Commission required to operate with U. S. Board: This commission is hereby authorized and required to co-operate with any board or commission acting under any present or future act of congress for the suppression and prevention of contagious or infectious diseases among domestic animals, and the same right of entry, inspection and condemnation of diseased animals upon private premises is granted to the United States board or commission as is granted to the commission granted under this act. [5646.]

Commission to report to the governor, etc: The commission shall make biennially a detailed report of its doings to the governor, which report shall be transmitted to the legislature at its regular biennial session. [5647.]

Sheep and horses included: This act shall be construed so as to include sheep and horses. [5648.]

Railroad companies, etc.: To forfeit not less than $500.00 and not more than $5,000.00 to state and pay damages caused to any cattle upon failure to comply with this act. [5649.]

NOTE: Three additional sections to the law for preventing diseases among domestic animals were passed at the legislative session, 1909, providing for the payment for cattle killed on the order of the state live stock sanitary commission because of infection with tuberculosis, and prohibiting importation into the state of cattle affected with tuberculosis, etc., said provisions to apply to cattle being shipped through the state to points beyond the state or to persons living near the state line and owning land in adjoining states, and who may drive said cattle to and from said land for pasturage. [From Public Act No. 172, approved June 1, 1909.]

B. Regulations as to Texas Cattle.

Transporting certain cattle: It shall not be unlawful to transport any neat cattle into or across this state, yard or feed the same, that have been reared or kept south of the thirty-sixth parallel of north latitude, and that have not subsequently been kept continuously at least one winter north of said parallel, and which may be brought within the limits of this state between the first day of April and the first day of November, following, except in the manner hereafter provided. [5650.]

Railroads must use sign: It shall be the duty of all railroad companies doing business in this state to receive and transport while in this state, the class of cattle mentioned in section one, only in cars that are branded or lettered legibly and distinctly and in plain view, the

words "for the transportation of Texas cattle only;" and they shall not permit or allow any other class of cattle to enter those cars between the first day of April and the first day of November following: Provided, That cattle coming from other states for transportation through this state when it is impossible to ascertain where they came from may be shipped in such cars, but shall be treated in all respects as coming from the country south of the thirty-sixth parallel of north latitude. [5651.]

NOTE — Other provisions of the law (Secs. 5652-3-4) relate to duties of railroad Secs 4468, 4469 and 4470, relate to general power of the Governor and Commission.

C. For Prevention of Foot-Rot Among Sheep.

Driving or allowing sheep infected with foot-rot on highway unlawful: It shall be unlawful for any person or persons to allow to run at large on, or to drive along any highway in this state between the first day of May and the first day of November of each year, any sheep known to be infected with the disease known as the foot-rot. [5655.]

Penalty: Any person or persons violating the provisions of the foregoing section, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall pay a fine not less than twenty-five nor more than one hundred dollars, in the discretion of the court, in addition to the costs of prosecution; and in case the fine imposed, and the costs of prosecution shall not be paid, the defendant shall be confined in the county jail not less than thirty days nor more than sixty days, in the discretion of the court. [5656.]

D. To Prevent importation, Running at Large and Sale of Diseased Sheep.

Importing diseased sheep unlawful; penalty: It shall not be lawful for the owner of sheep, or any person having the same in charge, knowingly to import or drive into this state sheep having any contagious disease; and any person so offending shall be deemed guilty of a misdemeanor, and shall be punished by fine in any sum not less than fifty dollars, and in default of the payment thereof, by imprisonment in the county jail not more than three months. [5657.]

Penalty for allowing diseased sheep to run at large: Any person being the owner of sheep, or having the same in charge, who shall turn out, or suffer any sheep having any contagious disease, knowing the same to be so diseased to run at large upon any common, highway, or uninclosed lands, or who shall sell or dispose of any sheep, knowing the same to be so diseased, without first apprising the purchaser thereof of such disease, shall be deemed guilty of a misdemeanor, and shall be punished by fine in any sum not less than fifty dollars nor more than

one hundred dollars, and in default of the payment thereof, by imprisonment in the county jail not more than three months. [5658.]

Civil action for damages may be maintained: Nothing in this act shall be so construed as to prevent the recovery of damages, in civil actions, against any person or persons who shall import or drive such diseased sheep into this state, or who shall allow such diseased sheep to run at large, or who shall sell such diseased sheep. [5659; refers to the two preceding sections.]

V. Marking and Branding of Live Stock.

Owners may adopt brand and have same recorded: Every person who has cattle, horses, hogs, sheep, goats, or any other domestic animals, may adopt an ear mark or brand, which ear mark or brand may be recorded in the office of the county clerk of the county where such cattle, horses, hogs, sheep, goats, or other domestic animals shall be: Provided, That the mark or brand so adopted and recorded shall be different from all other marks or brands, adopted and recorded in such county. [5660.]

Duty of clerk; fee for: It shall be the duty of the county clerks of the several counties of this state, to keep a book in which they shall record the mark or brand adopted by each person who may apply to them for that purpose, for which they shall be entitled to demand and receive twenty-five cents. [5661.]

Changing brand unlawful; penalty: If any person shall mark or brand, or alter or deface the mark or brand of any horse, mare, colt, jack, jenny, jennet, mule, or any one or more head of neat cattle or sheep, goat, hog, shoat, pig, or other domestic animal, the property of another, with intent thereby to steal the same, or to prevent identification thereof by the true owner, he shall be deemed guilty of felony, and shall be punished by imprisonment at hard labor in the state prison, not to exceed two years, or by a fine of not more than two hundred dollars, or both, in the discretion of the court. [5662.]

VI. Lien upon Horses and other Animals for Cost of Shoeing.

Lien upon horses and other animals for cost of shoeing: Every person who shall shoe or cause to be shod by his employes, any horse, mule, ox or other animal shall have a lien upon the animal shod for his reasonable charges for shoeing the same, and each lien conferred by this act shall take precedence of all other liens or claims thereon not duly recorded prior to recording claim of lien as hereinafter provided. But such lien shall not attach when the property has changed ownership prior to the filing of such lien. [10771.]

Time within which claim of lien to be made: Any person desiring to secure the benefit of this act shall, within sixty days after the

shoeing of such horse, mule, ox or other animal, or in case he shall have shod such animal more than once within that time, then within sixty days after the date of the last shoeing, file with the township clerk, or the city clerk, as the case may be, in the township or city in which such animal is, a statement made under oath by the claimant or someone in his or her behalf and a notice of his intention to claim a lien upon such animal for his charges for shoeing the same. [10772.]

Name of owner, description, etc., to be given: Such statement and notice shall state the name of the person claiming the lien, the name of the owner or reputed owner of the animal sought to be charged with the lien, and a description sufficient for identification of the animal upon which the lien is claimed and the amount due the claimant, as near as may be, over and above all legal set-offs. [10773.]

Successive liens upon same animals may be filed: Any person may file successive liens upon the same animal for different charges for shoeing the same, and he may include in any one claim of lien his charges for any number of times of shoeing such animal: Provided, however, That no lien shall be had for any shoeing of any animal done more than six months prior to and filing of the notice of lien. [10774.]

Duty of clerk, fees, etc.: It shall be the duty of the township or city clerk as the case may be, upon the presentation to him of any such statement and notice of lien, to file the same in his office in the same manner as provided by law for the filing and recording of chattel mortgages; and he shall be entitled to charge and receive from the person filing such statement and notice a fee of twenty-five cents and no more. [10775.]

Evidence: A copy of any such statement and notice of lien filed as aforesaid, certified by the township or city clerk, as the case may be, shall be received in evidence in any proceeding taken to enforce the lien herein provided for, but only of the fact that such statement and notice of lien was received and filed according to the endorsements of the township or city clerk thereon, and of no other fact. [10776.]

Who may commence suit: The person having such lien may commence a suit for the recovery of such charges, by summons, in the usual form, before any justice of the peace of the township or city in which he resides, or in any court, as the case may require, against the person liable for the payment thereof. [10777.]

Service of summons: If such summons be returned personally served upon the defendant, the same proceedings shall thereupon be had in all respects as in other suits commenced by summons in which there is a personal service of process, and judgment shall be rendered in such suit in like manner. [10778.]

Proceedings when defendant not found in county: If the officer return upon such summons that the defendant cannot be found in his county, the same proceedings shall thereupon be had in all respects,

as near as may be, as in suits commenced by attachment in which there is not a personal service of the attachment upon the defendant, and judgment shall be rendered in such suit in like manner. [10779.]

Proceedings after judgment: If the plaintiff recover judgment in such suit, execution shall issue thereon in the same manner and with the like effect as upon judgments rendered in suits commenced by attachment, and the horse, mule, ox or other animal upon which the plaintiff holds such lien shall not be exempt from execution but may be sold to satisfy such execution in the same manner as if it had been seized and held upon an attachment in such suit. [10780.]

Expense of proceedings an additional lien: All expenses which shall have been incurred by the person having such lien, after the same accrued, shall be an additional lien upon the property, and shall be computed and ascertained upon the trial or assessment of damages, and included in the judgment. [10781.]

Duty of court: In all suits and attachments prosecuted under the provisions of this act, the court, jury or justice of the peace who shall try the same or make an assessment of damages therein, shall, in addition to finding the sum due the plaintiff, also find that the same is due for the cost of shoeing the horse, mule, ox or other animal described in plaintiff's declaration and is a lien upon the same: Provided, however, That if the court, jury or justice of the peace shall find that the amount due the plaintiff is not a lien upon the property described in the plaintiff's declaration, the plaintiff shall not be nonsuited thereby, but shall be entitled to judgment as in other civil actions; but in such case said plaintiff shall not recover or tax any costs other than those allowed and taxable in such case; and in those cases where the amount due is found to be a lien upon the property mentioned in plaintiff's declaration, the finding or verdict may be in the following form: (The court, jurors, or justice, as the case may be) say that there is due the plaintiff the sum of.....dollars from the said defendant, and that the same is due for his reasonable charges for shoeing the animal mentioned in plaintiff's declaration (giving a description sufficient for identification of the animal), and that the plaintiff has a lien upon said animal for said amount. [10782.]

When lien is perfected animal to be advertised for sale; description and cause of sale to be given: When the said lien shall be duly perfected, as above provided, the horse, mule, ox or other animal, as above provided, shall be disposed of to satisfy said lien as follows: The person obtaining said lien shall advertise said horse, mule, ox or other animal for sale, in the city, village or township as the case may be, where the claim of lien is filed, in a newspaper published within the city, village or township, as the case may be, if a newspaper be published within the city, village or township, and if not, in a newspaper published within the county once a week for three consecutive weeks, giving in said advertise-

ment a description of said animal and cause of sale of same and at the expiration of said time, said horse, mule, ox or other animal shall be sold to the highest bidder, and the surplus, if any, after the payment of said lien and cost of court, and interest on said claim, to the claimant, shall be returned to the owner of said horse, mule, ox or other animal by the sheriff or constable, as the case may be, conducting said sale. [10783.]

VII. Lien on Mare and Get for Service of Stallion.

(Approved and in Effect June 12, 1907.)

SECTION 1. **Lien upon mare and lien upon get of stallion:** The owner or keeper of any stallion shall have a lien upon the mare served by any such stallion in breeding thereof, for the amount of the service fee according to the terms of the agreement under which said mare is bred; such lien shall continue for the period of eighteen months after the date of such service; and shall also have a lien upon the get, if any, by such stallion for the amount of the service fee of such stallion, and such lien shall continue for a period of six months after the birth or foal of such get.

SEC. 2. **Contract to be signed; form:** The owner or keeper of a stallion in order to obtain and perfect such lien shall require the owner of such dam to sign a contract in substantially the following form:

This agreement made and entered into by and between..... ....., first party, of ....., Michigan, owner and keeper of the stallion named....., and ....., second party, of ....., Michigan, owner of dam described as follows: Name....., age ..... years, color ....., weight ..... pounds, and served this day by said stallion. Service fee $..... due ..... To insure service fee $..... due ..... First party shall have a lien on the mare for such service fee for a period of eighteen months from this date and shall also have a lien upon the get of said stallion, if any, for such service fee, for a period of six months after the birth or foal of such get. Second party to have return privileges for the season as follows: ..... The lien, herein provided, shall be enforced by the seizure of the property and sale thereof after like notice as requird by law for constable's sales. Such seizure may be made at any time when first party may deem himself insecure, or if the owner of said dam or colt shall sell, assign or dispose of, or attempt to sell, assign or dispose of the property, or remove or attempt to remove the same from the township of ....., county of ....., Michigan. The sale may be made at any time after such seizure and the giving of the notice as herein provided.

In witness whereof the parties hereto have this ..... day of ....., A. D. ....., subscribed their respective names.

SEC. 3. **Contract valid as against a bona fide purchaser; when:** The lien herein provided shall not be valid as against a subsequent bona fide purchaser unless the owner or keeper of such stallion, or his assign, shall, after such service and before a bona fide sale of such mare or colt, file with the township or city clerk in the township or city wherein such property is owned or kept the contract or a true copy thereof as entered into by the owners and keepers of said stallion and said dam and shall pay to the clerk the sum of twenty-five cents as a filing fee. The lien as between the parties to the contract shall be absolute without any filing of such contract.

SEC. 4. **Enforcement of lien; no lien where breeding of stallion misrepresented:** Such lien may be enforced by the owner or keeper of such stallion, or by any person to whom such debt may be assigned, by seizure and sale of the colt or mare, or both, mentioned in said lien, or so much thereof as may be necessary to satisfy said debt, and also the reasonable expense of such seizure and sale, returning the residue, if any, to the owner of such colt or mare. Such seizure and sale to be made according to the provisions of this act: *Provided,* That no recovery can be had for the services of such stallion, where the owner or keeper thereof has wilfully or fraudulently misrepresented the breeding of such stallion.

VIII. Stray Animals.

(Law of Lost Goods and Stray Beasts.)

Notice of finding lost goods, to be given: When any person shall find any lost money, or lost goods, if the owner thereof be known, he shall immediately give notice thereof to such owner; if the owner thereof be unknown, and such money or goods be of the value of three dollars or more, the finder shall, within two days, cause notice thereof to be posted in two public places within the township where the same were found; and shall also, within seven days, give notice thereof, in writing, to the township clerk of such township, and pay him twenty-five cents for making an entry thereof in a book to be kept for that purpose. [5739.]

Same subject: If the money or goods so found to be of the value of ten dollars or more, and the owner thereof be unknown, the finder thereof shall also, within one month after such finding, cause notice thereof to be advertised in some newspaper in the same county, if one be published there, and if not, then in some newspaper published in an adjoining county, and continud therein for six successive weeks. [5740.]

When horses, mules, etc., may be taken up; when neat cattle, sheep or swine may be taken up: It shall be lawful for any resident freeholder of any township in this state to take up any stray horses,

mules, or asses, by him found going at large in such township, beyond the range where such horses, mules, or asses usually run at large; and also to take up between the first day of November and the thirty-first day of March, any stray neat cattle, sheep or swine, by him found going at large therein, beyond the range where such animals usually run at large. [5741.]

Notice by finder; township clerk's fee; notice to county clerk; fee: Such finder shall immediately give notice thereof to the owner of any such animal, if known to him; but if the owner thereof be unknown, such finder shall, within ten days, cause notice thereof to be entered with the township clerk, in such book as aforesaid, containing a description of the color, age, and natural and artificial marks of such animals, as near as may be, together with the name and residence of such finder, and shall pay to said township clerk the sum of fifty cents for entering the same and sending notice as hereinafter required; and the township clerk shall, immediately upon receipt of such notice, make and send to the county clerk a copy of the same, who shall, immediately upon receipt thereof, enter the same in a book to be kept by him for that purpose, and the finder shall pay to the township clerk the further sum of twenty-five cents, which sum shall be sent with the notice as aforesaid to the county clerk, and the same shall be the amount of fees said county clerk shall be entituel to receive for his services. [5742.]

Notice to be published in newspaper: If the owner of any such animal or animals shall not, within one month, appear and reclaim them, and such animal or animals taken up at the same time shall be of the value of ten dollars or more, the finder shall cause such notice to be published in a newspaper in the same county, if one be published there, and if not, then in a newspaper published in an adjoining county, and continued therein for six successive weeks. [5743.]

Appraisal of lost goods and stray animals: Every finder of lost goods or stray animals, of the value of ten dollars or more, shall, within three months, and before any use shall be made thereof, procure an appraisal of the same to be made and certified by a justice of the peace of his township, which appraisal he shall, within said three months, cause to be filed with the township clerk; and he shall pay to such justice fifty cents for such appraisal and certificate, and six cents for each mile necessarily traveled by him in such service, and to the clerk six cents for filing the certificate. [5744.]

When owner, etc., to have restitution: If the owner or person entitled to the possession of any such money or goods, other than stray animals, shall appear at any time within one year after such entry with the township clerk, and make out his rights thereto, he shall have restitution of the same, or of the value thereof, upon his paying all the costs and charges aforesaid, together with a reasonable compensation to the finder for keeping and taking care of the same, and for his necessary travel and expenses in the case; which charges shall, in

case of disagreement between the owner and finder, be determined by some justice of the peace of the township, who shall certify the same. [5745.]

When goods, etc., shall remain with finder, and township entitled to one-half of value: If no owner or person entitled to the possession of the same shall appear in one year, when such lost money or goods shall remain to the finder, he paying one-half of the value thereof to the treasurer of the township, according to said appraisement, after deducting from such value all the fees and charges aforesaid, to be determined and certified by a justice of the peace as aforesaid; and upon the neglect or refusal to pay the said half of the value, the same shall be recovered by the township treasurer, in an action of debt, or on the case. [5746.]

When owner, etc., to have restitution of stray beasts. If the owner or person entitled to the possession of any such stray beast, shall appear within six months after such entry with the township clerk, and shall make out his right thereto, he shall have restitution of the same, upon paying all lawful charges as before provided in the case of lost goods. [5747.]

Sale of stray and disposition of proceeds: If such owner or person entitled to the possession of the same, shall not appear and make out his title to the animal or animals within the said six months, such animal or animals shall be sold at the request of the finder, by any constable of the township, at public auction, upon first giving notice thereof in writing, by posting up the same in three of the most public places in such township, at least ten days before such sale; and the finder may bid therefor at such sale, and the money arising therefrom, after deducting all the lawful charges aforesaid, and the fees of the constable, which shall be the same as upon a sale on execution, shall be deposited in the treasury of the township, and notice thereof shall be given by the constable making such sale, to the township clerk, whose duty it shall be to charge the same to the treasurer of the township. [5748.]

When owner, etc., to receive moneys deposited with township treasurer: If the owner or person entitled to the possession of any such animal, shall appear within one year after the entry with the township clerk as aforesaid, and establish by his own affidavit, or otherwise, to the satisfaction of the township treasurer, his title thereto, he shall be entitled to receive the money so deposited in the township treasury, from the proceeds of the sale; and if no owner or person entitled to the possession of the same shall appear within the said year, such money shall belong to the township. [5749.]

Liabilities of finders of lost goods, etc.; penalty for violating this act: If the finder of any lost money, goods or stray beasts, shall neglect to cause the same to be entered, advertised, or notice thereof to be posted as directed in this chapter, he shall be precluded from all

the benefits of this chapter, and from all claim for keeping such goods or animals, or on account of any charges in relation thereto; and if any party shall willfully, and with fraudulent intent to convert the same to his own use, neglect to make such entry, or to cause the same to be advertised, as hereinbefore provided, for thirty days, he shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not less than ten, nor more than fifty dollars, and in the default of the payment thereof, be imprisoned in the county jail for a period not exceeding ninety days. [5750.]

Liability of person unlawfully taking stray animal: If any person shall unlawfully take away any animal, taken up as a stray pursuant to the provisions of this chapter, without paying all the lawful charges incurred in relation to the same, he shall be liable to the finder thereof to the value of such animal, which may be recovered in an action of trespass, or on the case. [5751.]

When horses, etc., may be moderately worked by finder: If any horses, mules or oxen, of sufficient age and strength, and used to work, shall be taken up under the provisions of this chapter as strays, and shall not be reclaimed by the owner within one month after the entry thereof with the township clerk, the person taking up the same may moderately and carefully work such horses, mules, or oxen, within the township where they were so taken up; and the value of such labor shall be deducted from the charges aforesaid. [5752.]

IX. Docking horses.

Docking horse's tail unlawful; penalty; exception: Whoever shall cut the bone of the tail of any horse for the purpose of docking the tail, or whoever shall cause or knowingly permit it to be done upon the premises of which he is the owner, lessee, proprietor or user, or whoever shall assist in or be present at such cutting, shall be guilty of a misdemeanor, and shall be punished by imprisonment in the State House of Correction not exceeding one year, or by a fine of not less than one hundred dollars nor more than three hundred dollars, in the discretion of the court: *Provided,* That such cutting of the bone of the tail of any horse for the purpose of docking the tail shall be lawful when a certificate of a regularly qualified veterinary surgeon shall first be obtained certifying that such cutting is necessary for the health or safety of such horse. [*Approved June* 20, 1905, *and ordered to take immediate effect.*]

X. Fraudulent Entries in Speed Contests.

Fraudulent entry in speed contests; penalty: If any person or persons shall knowingly and corruptly enter, or cause to be entered for competition, or to compete for any prize, purse, premium, stake,

or sweepstakes, offered by any agricultural society or driving club, or other society organized under the laws of this state, or by any association of persons in this state where the same is to be decided by a contest of speed, any horse, mare, gelding, colt or filly, under an assumed or false name, or out of its proper class or division, with intent to cheat or deceive such society or organization or association, he shall on conviction be punished by imprisonment in the state prison for a term not exceeding three years, or by a fine not exceeding one thousand dollars, or by both such fine and imprisonment. [11769..]

How class or division determined: The class or division in which an entry is made, within the meaning of this act, shall be determined by the rules and regulations of the society, organization or association under whose auspices the contest is to be conducted and the published terms and conditions under which the prize, purse, premium, stake or sweepstakes, is offered, opened or announced. [11770.]

True name defined: The true name of any horse, mare, gelding, colt or filly, within the meaning of this act, shall be the name by which it is known under and according to the rules and regulations of such society, organization, or association, and the name by which any horse, mare, gelding, colt or filly has once competed for any prize, purse, premiums, take or sweepstakes, shall be regarded as its true name, unless the name is changed as provided by said rules and regulations. [11771.]

XI. Fraudulent Registration and False Pedigrees.

Certificate of Registration obtained by false pretense; giving false pedigree; penalty: Every person who knowingly or designedly by means of any false pretense shall obtain from any club, association, society, or company for improving the breed of cattle, horses, sheep, swine, or other domestic animals, a certificate of registration of any animal in the herd register or other register of any such club, association, society, or company, or a transfer of any such registration, and every person who shall knowingly give a false pedigree of any animal, with intent to defraud, upon conviction thereof shall be punished by imprisonment in the state prison for a term not exceeding three years or in a county jail for a term not exceeding one year, or by a fine not exceeding one thousand dollars, or by both such fine and imprisonment in the discretion of the court. [11622.]

Proving breeding of horses: Whenever it becomes necessary to show the breeding of any horse in any action at law or in equity, the same may be shown by Wallace's year book, Wallace's American trotting register or American register year book, or the American trotting register, and whenever a horse is registered in the registers aforesaid the same shall be prima facie evidence of its breeding. [10202.]

XII. Unhitching and Driving Horses of Another Without Authority.

Unhitching horses, etc., without authority; Penalty for: Every person who shall willfully and maliciously, or wantonly, and without authority unhitch any horse or team belonging to another, and lawfully hitched or standing in any street, alley, or other place, or who in like manner shall ride or drive such horse or team away shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding one hundred dollars or by imprisonment not exceeding ninety days, or both, in the discretion of the court. [11602.]

XIII. Killing, Maiming, Disfiguring or Poisoning Animals.

Maliciously killing, maiming, disfiguring or poisoning beasts: Every person who shall willfully and maliciously kill, maim, or disfigure any horses, cattle, or other beasts of another, or shall willfully and maliciously administer poison to any such horses, cattle or other beasts, or expose any poisonous substance with intent that the same should be taken or swallowed by them, or who shall willfully and maliciously destroy or injure the personal property of another, by any means not particularly mentioned or described in this chapter, shall be punished by imprisonment in the state prison not more than five years, or by fine not exceeding one thousand dollars, and imprisonment in the county jail not more than one year. [11581.]

XV. Exposing Poisons Endangering Lives of Animals.

Unlawful expose poisonous substances except on own premises: It shall be unlawful for any person to expose any known poisonous substance, whether mixed with meat or other food or not, so that the same shall be liable to be eaten by any horses, cattle, dogs, or other beasts of another; and any person so exposing any known poison shall, on conviction of such offense, be punished by imprisonment in the county jail not more than three months, or by a fine of not less than ten nor more than one hundred dollars, or by both such fine and imprisonment: Provided, That it shall not be unlawful to expose on one's own premises common rat poison mixed only with vegetable substances, nor for any person to expose on his own premises, not within the limits of any incorporated city or village, poisons for the destruction of predatory or dangerous prowling animals. [11598.]

XV. Horse Stealing.

Punishment for horse stealing, etc.: Every person who shall steal any horse, mare, gelding, foal or filly, ass or mule, of any

value, or who shall receive, buy, conceal, or aid in the concealment of any stolen horse, mare, gelding, foal or filly, ass or mule, knowing the same to have been stolen, shall, upon conviction thereof, be punished by imprisonment in the state prison not less than three years nor more than fifteen years: Provided, however, That in cases of first offense the court may, in its discretion, sentence the person so convicted to the state house of correction for a term not exceding two years. [11595.]

XVI. Companies for Detection and Apprehension of Horse Thieves and Other Felons.

Formation of companies: Any number of persons, citizens of said state, not less than ten, may and are hereby authorized to form themselves into a company for the purpose of detecting and apprehending horse thieves and other felons, as hereinafter provided. [8470.]

Articles; where filed and recorded: Persons desirous of forming such companies shall each subscribe articles of association, in which shall be set forth the name said company shall [may] choose, and the residence of each member. Said articles of association shall be filed and recorded in the office of the register of deeds of the county in which a majority of the members of said company may reside; and a certified copy of said record shall be received as evidence in any court of the state of the existence of such company, and the membership of any person belonging thereto. [8471.]

Powers and privileges: Such company may sue or be sued, have the use of a common seal (8472); elect or appoint such officers as they may deem necessary (8473); adopt a constitution and by-laws and enforce obedience to the same (8474); fix the number of members which shall constitute a quorum for the transaction of business (8475); admit and expel members making record on the books of the company thereof (8476); hold and possess real or personal property to the amount of ten thousand dollars, and receive donations of money or other property to further its objects and may make assessments upon its members for same purpose (8477); and members shall have the power to call the peace officers of the State to his assistance when in pursuit of thieves and felons and in reclaiming stolen property and each member shall be entitled to the protection, rights and privileges of constables when so engaged. [8478.]

CHAPTER 1a.

Banking Law.

I. To protect the financial condition or standing of banks.

I. To Protect the Financial Condition or Standing of Banks.

Any person who shall wilfully and maliciously make, circulate or transmit to another or others, any statement, rumor or suggestion, written, printed or by word of mouth, which is directly or by inference derogatory to the financial condition or affects the solvency or financial standing of any incorporated bank, savings bank, banking institution or trust company doing business in this State, or who shall counsel, aid, procure, or induce another to start, transmit or circulate any such statement or rumor, shall be guilty of a felony, and upon conviction thereof, shall be punished by a fine of not more than five thousand dollars or by imprisonment for a term of not more than five years or both. [Public Act No. 273, Approved June 2, 1909.]

CHAPTER 2.

Bees.

I. Act for suppression of foul brood among bees.
II. Ownership of bees in flight.
III. Bee-trees, wild bees and honey.
IV. Bees as a nuisance.
V. Owner liable for damages caused by bees; when.

I. Act for Suppression of Foul Brood Among Bees.

(Approved and in Effect April 18, 1901.)

SECTION 1. **Appointment of Inspector of Apiaries:** The Dairy and Food Commissioner upon receipt of a certified copy of the record of the Michigan State Bee-Keepers' Association, by the secretary of said association, showing that a majority of the members of said association recommended the appointment of an inspector of apiaries, shall appoint a State inspector of apiaries. Said inspector shall be responsible to the Dairy and Food Commissioner and shall comply with such rules and regulations as the Dairy and Food Commissioner shall from time to time prescribe for the carrying out of the work of said State inspector.

SEC. 2. **When inspection is to be made; duty of inspector when foul brood is found:** The Dairy and Food Commissioner shall, when notified in writing by the owner of an apiary or by three disinterested taxpayers in the vicinity of the apiary, cause the inspector to examine such apiaries as are reported and all others in the same locality not reported, and ascertain whether or not the disease known as foul brood or other contagious disease exists in such apiaries, and if satisfied of the existence of foul brood, he shall give the owner or care-taker of the diseased apiaries full instructions how to treat said case as in the inspector's judgment seems best.

SEC. 3. **Apiaries found not cured to be burned:** The inspector who shall be the sole judge may visit all diseased apiaries a second time and if need be burn all colonies of bees and combs that may be found not cured of foul brood or other contagious diseases.

SEC. 4. **Selling diseased bees, honey, etc.; unlawful; penalty:** If the owner of a diseased apiary, honey or appliances shall knowingly or wilfully sell, barter, or give away any bees, honey or appliances, or expose other bees to the danger of said disease or refuse to allow said inspector to inspect such apiary, honey or appliances, said owners shall on conviction before a justice of the peace, be liable to a fine of not less than fifty dollars nor more than one hundred dollars, or not less

than one month's imprisonment in the county jail, nor more than two months' imprisonment.

SEC. 5. **Report of inspector:** In addition to such individual reports as are required under this act by the inspector of apiaries, he shall make an annual report to the Dairy and Food Commissioner, giving the number of apiaries visited, the number of diseased apiaries found, the number of colonies treated, also the number of colonies destroyed by fire, and an itemized account of his transportation expenses with affidavit annexed thereto.

SEC. 6. **Annual appropriation; salary of inspector:** There is hereby appropriated out of any moneys in the State treasury not otherwise appropriated a sum not exceeding five hundred dollars per year for the suppression of foul brood among bees in Michigan. The inspector shall receive five dollars per day and actual transportation expenses for actual time served, which sum shall not exceed the money hereby appropriated, to be paid by the State Treasurer upon warrants drawn by the Auditor General and approved by the Dairy and Food Commissioner.

NOTE — Sections 5663 to 5670 inclusive, Compiled Laws, repealed by Sec. 7 of said Act.

II. Ownership of Bees in Flight.

A swarm of bees going from the hive could be reclaimed if they could be followed and were known. Merrils vs. Goodwin, 1 Root 209; and whoever shall pursue the swarms which belong to others, and by striking on the brass shall draw them with the delightful sound to fix near him, let him make restitution for the damage. Puffendorf's' Law of Nature, 4 Chap. 6, Sec. 5, quoting Plato's Laws.

"Bees are wild by nature; therefore, although they swarm upon your tree, they are not reputed, until they are hived by you, to be more your property than the birds which have nests there; so, if any person inclose them in a hive he becomes the proprietor. The honey-combs also, if any, become the property of him who takes them; but clearly, if you observe any person entering into your grounds, the object (bees) untouched (by the intruder intending to take the bees) you may justly hinder him. A swarm which hath flown from your hive is still reputed to continue yours as long as it is in sight; and may easily be pursued; but in any other case it will become the property of the occupant." Cooper's Justinian Inst. Lib. 2 Tit. 1, Sec. 14.

III. Bee-trees, Bees and Honey.

The mere finding of bees in a tree on the land of another person gives the finder no right to the bees or to the tree. State vs. Repp. 104, Iowa, 305.

A trespasser who finds bees on the land of another and hives them,

but is not the owner of the hive in which he puts or the land on which he leaves them, has no interest in them which is the subject of larceny. State vs. Repp, 104 Iowa, 305.

Where a man discovered bees in a tree on the land of another and marked the tree with the initial of his name, such finder is not vested with any exclusive right of property in the bees, and could not maintain an action against another person for cutting down the tree and carrying away the bees. Gillet vs. Mason, 7 Johns, 16.

Bees are animals ferae naturae, but when hived and reclaimed a qualified property may be acquired in them. — Gillet vs. Mason, 7 Johns 16.

Wild bees in a bee tree belong to the owner of the soil where the tree stands. — Ferguson vs. Miller, 1 Cow, 243.

Though a person obtains leave from the owner to take them this does not confer ownership upon him until he has taken actual possession of the bees, and another person also with such leave, first obtaining possession, acquires the title. — Idol vs. Jones, 2 Dev. L. 162.

If a person finds a tree containing a hive of bees on the land of another, and marks the trees, he does not thereby reclaim the bees, and he can not maintain an action against another person for carrying away the bees and honey. — Gillet vs. Mason.

Bees when hived are the property of the one who has reclaimed them, although they temporarily escape. — Goff vs. Kilts, 15 Wend. 550; Walter vs. Mease, 3 Binn 546.

IV. Bees as a Nuisance.

Bees may become a nuisance, as where they interfere with the owner of adjoining premises in the use and enjoyment of the same. Olmstead vs. Rich, 25 N. Y. R. S. 271.

V. Owner Liable for Damage Caused by Bees; Where.

The owner of bees may be liable for negligence in locating them where persons or animals will be exposed to attack in passing or standing near the hives was decided in the case of Parsons vs. Mansen, 119 Iowa, 88. The court in rendering the decision used the following language:

"A keeper of bees must exercise ordinary prudence in locating their hives so as to avoid unnecessary danger to those who are likely to make lawful use of the premises or the highway near by; so, such keeper may be found guilty of negligence in locating their hives within a few feet of a post which he has fixed for fastening horses, where he knows that they are prone to attack perspiring horses."

CHAPTER 3.

Bounties for Killing Noxious Animals and Sparrows.

I. For killing wolves, panthers, wildcats and other noxious animals.
II. For killing English sparrows.

I. For Killing Wolves and Other Noxious Animals.

Bounty for killing wolves: Every person who shall kill a full grown wolf, or wolf whelp in any organized county in this State, shall be entitled to a bounty of twenty-five dollars for each wolf over six months old, and ten dollars for each wolf's whelp under the age of six months, to be allowed and paid in the manner hereinafter provided. [5571 as amended in 1907.]

Head, etc., to be taken to county clerk: Every person intending to apply for such bounty shall take such wolf or wolf's whelp killed by him, or the head thereof, with the ears and skin entire thereon, to the county clerk of the county within which such wolf or wolf's whelp shall have been taken, who shall thereupon decide upon such application. [5572.]

Applicant for bounty to be examined: The person claiming such bounty shall then be sworn by said clerk, and state on oath the time and place, when and where, every wolf and wolf's whelp, for which a bounty is claimed by him, was taken and killed; and he shall also submit to such further examination on oath concerning the taking and killing of such wolf or wolf's whelp as said clerk may require, and the statement by him shall be reduced to writing in the form of an affidavit, which shall be subscribed by the person making the same. [5573.]

Clerk to mark pelt, etc.: If it shall appear to said clerk that the wolf or whelp was taken and killed within some organized township in his county by the person applying for such bounty, he shall make three punch marks through the butt of both ears of such wolf or whelp, large enough to be readily found by examination of such ears, and return such hide or pelt to the owner thereof, and deliver to the person so applying a certificate of the facts and shall file the original affidavit of said applicant in his office. [5574 as amended June 27, 1907.]

Certificate to be presented to board of supervisors: Such certificate and the original affidavit filed with said clerk, may be presented by the claimant or his agent, to the board of supervisors of the county in

which said wolf or whelp shall have been taken or killed, at any meeting thereof, and if said board shall doubt the correctness or sufficiency of said affidavit, they shall notify the person claiming such bounty to make further proof of his claim before said board at a subsequent meeting thereof to be named in such notice. [5575.]

Supervisors to award bounty: The board of supervisors shall have no doubt as to the correctness of such claim, or if their doubts shall be removed by further proof, they shall award to the person to whom such certificate shall have been granted the bounty above specified, and shall cause the certificate and all affidavits and proofs to remain on file with their clerk. [5576.]

Duplicate certificates to treasurer: Duplicate certificates, stating all the bounties that shall have been allowed by the board at any meeting, shall be made under their direction, and after being signed by their chairman and clerk, shall be delivered to the county treasurer, who shall thereupon pay to the several persons named in such certificate, out of any money in the treasury for defraying the contingent expenses of the county, the bounties to them respectively allowed. [5577.]

One-half of bounties to be charged to state treasurer, etc.: The county treasurer shall charge to the treasurer of the state the one-half of all the bounties allowed by the board of supervisors, and shall transmit an account thereof to the auditor general, accompanied by one of the duplicate certificates received from the board of supervisors; and shall also procure and transmit with such account, a certified copy of the original certificates and affidavits filed with the clerk of the board of supervisors, for which the bounties mentioned in such account shall have been allowed. [5578.]

Auditor general to examine accounts, etc.; The auditor general shall examine every affidavit so transmitted to him, and if he shall discover any defect or irregularity, which shall induce him to believe the same ought not to be allowed, he may suspend, in whole or in part, as he may think proper, the payment of such account, until satisfactory proof be made to him, by affidavit or otherwise, of the justice of such account; and if the further proofs produced to him shall not be satisfactory he shall reject such portion of the account as shall have been suspended, and his decision thereon shall be final and conclusive. [5579.]

Sums audited to be paid out of state treasury. Every sum audited and allowed by the auditor general, upon any such account, not exceeding the one-half of the bounties allowed by the board of supervisors, shall be paid out of the treasury of the state, to the treasurer of the county from which such account was transmitted. [5580.]

Additional bounties: The boards of supervisors of the several counties of this state shall have power, at the expense of their respective counties, to ward and allow such other and further bounties for the destruction of wolves, wolf whelps, and such bounties for the destruction of panthers and other noxious animals within their respective counties,

as they may think proper; and the same proof shall be required in such case as is hereinbefore prescribed, and such additional and other bounties, when duly allowed and certified, shall be paid out of the county treasury. [5581.]

False certificate; penalty: If any county clerk who shall be applied to for a certificate under the provisions of this chapter shall willfully give a false certificate in the premises, he shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding five hundred dollars, or imprisonment in the county jail not exceeding one year. [5582.]

Bounties; by township board for killing wolves, panthers, etc.: The township boards of the several townships of this state, shall have power, at the expense of their respective townships, to award and allow such other bounties for the destruction of wolves, wolf whelps, and such bounties for the destruction of panthers and other noxious animals, within their respective townships, as the qualified electors of each shall have voted at the annual township meeting next preceding; and such additional and other bounties, when duly allowed and certified in such manner as the township board may prescribe, shall be paid out of the township treasury: Provided, That neither of the bounties provided for in this section shall exceed in amount the sum of two dollars. [5583.]

Bounty for killing wild-cat and lynx; rstriction as to payment of bounties: Every person, who shall kill a wildcat in any organized county of this state, shall be entitled to a bounty of three dollars for each wildcat killed; and every person who shall kill a lynx in any organized county in this state, shall be entitled to a bounty of five dollars for each lynx killed. The bounty offered in this section shall be subject to the same restrictions and limitations as are laid down in chapter sixty-seven of the compiled laws of eighteen hundred and seventy-one, as amended, and all of the provisions of said chapter, relative to the proving of claims, the paying of the same, and the penalties for false certificates for bounties on wolves, shall apply equally well to the bounties offered in this section. [5584.]

II. For Killing English Sparrows.

Two cent bounty during December, January and February: Every person being an inhabitant of this State, who shall kill an English sparrow in any organized township, village or city in this State, during the months of December, January and February of each year, shall be entitled to receive a bounty of two cents for each sparrow thus killed, to be allowed and paid in the manner hereinafter provided. [5586.]

Application for bounty: Every person applying for such bounty shall take such sparrow, in lots of not less than ten, to the clerk of the township, village or city within which such sparrow shall have been killed, in a state of good preservation, and if satisfied with the correct-

ness of such claim, shall issue a certificate stating the amount of bounty to which such applicant is entitled and deliver the same to said applicant, and shall destroy such sparrows by burning. [5587.]

Payment of certificate: Such certificate may be presented by the claimant or his agent to the county clerk of the county in which such sparrows have been killed, who shall thereupon draw a warrant for the amount on the treasurer of said county, and said treasurer shall, upon presentation of said warrant, pay the same from the general or contingent fund of said county. [5588.]

Penalty for violation of law, etc.: Any person who collects or attempts to collect any bounty under the provisions of this act, on any bird other than English sparrows, or who collects or attempts to collect such bounty upon any sparrows not killed in the county in which such collection or attempt to so collect is made, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than one dollar nor more than ten dollars, or by imprisonment in the county jail not more than ten days, or by both such fine and imprisonment in the discretion of the court. [5589.]

CHAPTER 4.

Combinations and Trusts.

(Anti-Trust law).

I. Michigan Laws.
II. Wilson Tariff Act.
III. Dingley Tariff Act.

Certain combinations or trusts, etc., declared criminal conspiracies; parties thereto; penalty; trial: All contracts, agreements, understandings and combinations made, entered into, or knowingly assented to, by and between any parties capable of making a contract or agreement which would be valid at law or in equity, the purpose or object or intent of which shall be to limit, control, or in any manner to restrict or regulate the amount of production or the quantity of any article or commodity to be raised, or produced by mining, manufacture, agriculture or any other branch of business or labor, or to enhance, control or regulate the market price thereof, or in any manner to prevent or restrict, free competition in the production or sale of any such article or commodity, shall be utterly illegal and void, and every such contract, agreement, understanding and combination shall constitute a criminal conspiracy. And every person who, for himself personally, or as a member, or in the name of a partnership, or as a member, agent or officer of a corporation, or of any association for business purposes of any kind, who shall enter into or knowingly consent to any such void and illegal contract, agreement, understanding or combination, shall be deemed a party to such conspiracy. And all parties so offending shall, on conviction thereof, be punished by a fine of not less than fifty dollars, nor more than three hundred dollars, or by imprisonment in the county jail not more than six months, or by both such fine and imprisonment at the discretion of the court. And the prosecution for offenses under this section may be instituted and the trial had in any county where any of the conspirators became parties to such conspiracy, or in which any one of the conspirators shall reside: Provided, however, That this section shall in no manner invalidate or affect contracts for what is known and recognized at common law and in equity as contracts for the "good will of a trade or business;" but all such contracts shall be left to stand upon the same terms and within the same limitations recognized in common law and in equity. [11377.]

Certain contracts, etc., void whether made in the state or not: Every contract, agreement, understanding, and combination declared void

and illegal by the first section of this act shall be equally void and illegal within this state, whether made and entered into within or without this state. [11378.]

Carrying into effect such unlawful contracts a misdemeanor; penalty: The carrying into effect, in whole or in part, of any such illegal contract, agreement, understanding or combination as mentioned in the first section of this act and every act which shall be done for that purpose by any of the parties or through their agency or the agency of any one of them, shall constitute a misdemeanor, and on conviction the offenders shall be punished by imprisonment in the state prison not more than one year, or in the county jail not more than six months, or by fine not less than one hundred nor more than five hundred dollars, or by both such fine and imprisonment in the discretion of the court. [11319.]

Corporation violating this law to forfeit charter: Any corporation now or hereafter organized under the laws of this state, which shall enter into any contract, agreement, understanding or combination declared illegal and criminal by the first section of this act, or shall do any act towards or for the purpose of carrying the same into effect in whole or in part, and who shall not within thirty days from the time when this act shall take effect, withdraw its assent thereto and repudiate the same and file in the office of the secretary of state such refusal and repudiation under its corporate seal, shall forfeit its charter and all its rights and franchises thereunder. [11380.]

Duty of attorney general: It shall be the duty of the attorney general upon his own relation, or upon the relation of any private person, whenever he shall have good reasons to believe that the same can be established by proof, to file an information in the nature of a quo warranto against any corporation offending against any of the provisions of this act; and thereupon the same proceedings shall be had as provided by chapter two hundred ninety-eight of Howell's annotated statutes, relating to proceedings by information in the nature of quo warranto, against corporations offending against any of the provisions of the act or acts creating, altering or renewing such corporations, and in other cases. [11381.]

Who exempt from provisions of act: The provisions of this act shall not apply to agricultural products or live stock while in the hands of the producer or raiser, nor to the services of laborers or artisans who are formed into societies or organizations for the benefit and protection of their members. [11382.]

Duty of secretary of state to publish act, etc.: It shall be the duty of the secretary of state to cause this act to be published for four successive weeks in some daily paper in each of the cities of Lansing, Detroit, Grand Rapids and Marquette, commencing within ten days after this act shall take effect, and he shall also within the same time cause to be mailed to each of the corporations whose articles of

association are on file in his office, a printed copy of this act, with a notice calling special attention thereto. [11383.]

II. Wilson Tariff Act, (1894).

Sections 73, 74, 75, 76 and 77, of the Wilson Tariff Act provide that combinations, conspiracies, trusts, agreements or contracts between two or more persons or corporations either of whom is engaged in importing any article from any foreign country into the United States, when such combination, etc., is intended to operate in restraint of lawful trade, or free competition in lawful trade or commerce, or to increase the market price in any part of the United States of any article or articles imported or intended to be imported into the United States, or of any manufacutre into which such imported article enters or is intended to enter, shall be contrary to public policy, illegal and void. Said act provides penalties or five thousand dollars ($5000.00) and three months' imprisonment for violations, and provides forfeiture of property of combination or trust when found in transit, and provides treble damages, and reasonable attorney's fee to one injured in his business or property, by such combination or trust. [Became a law without the approval of the President August 27, 1894.]

III. Dingley Tariff Act, (1897).

The Dingley Tariff Act, passed July 24, 1897, provided that nothing therein should be construed to repeal, or in any manner affect Sections 73, 74, 75, 76 and 77, of the Wilson Tariff Act.

CHAPTER 5.

Dairy and Food Laws.

I. Dairy and food commissioner.
II. Dairy and dairy feed stuffs.
III. General food laws.
IV. Buckwheat flour; laws relating to.
V. Vinegar, laws relating manufacture and sale of.
VI. Milk.
VII. Oleomargarine.
VIII. Butter.
IX. Confectioneries.
X. Pepper.
XI. Corn Syrup.
XII. Maple sugar, molasses and syrup.
XIII. Preservatives.

I. Dairy and Food Commissioner.

Dairy and Food Commissionre; duties of: penalties for disobedience of orders of: It shall be the duty of the Dairy and Food Commissioner to carefully inquire into the dairy and food and drink products and the several articles which are foods or drinks, or the necessary constituents of foods or drinks, which are manufactured or sold or exposed or offered for sale in this State, and he may, in a lawful manner, procure samples of the same and direct the State analyst to make due and careful examination of the same, and report to the commissioner the result of the analysis of all and any of such food and drink products or dairy products as are adulterated, impure or unwholesome in contravention of the laws of this State; and it shall be the duty of the commissioner to make a complaint against the manufacturer or vendor thereof in the proper county and furnish all evidence thereof, to obtain a conviction of the offense charged. The Dairy and Food Commissioner, or his deputy, or any person appointed by him for that purpose may make complaint and cause proceedings to be commenced against any person for the enforcement of any of the laws relative to adulterated, impure or unwholesome food or drink, and in such case he shall not be obliged to furnish security for costs and shall have power, in the performance of his duties, to enter into any creamery, factory, store, salesroom, drug store, or laboratory, or place where he has reason to believe food or drink is made, stored, sold or offered for sale and open any cask, tub, jar, bottle or package containing, or supposed to contain, any article of food or drink and examine or cause to be examined

the contents thereof, and take therefrom samples for analysis. The person making such inspection shall take such sample of such article or product in the presence of at least one witness, and he shall, in the presence of said witness, mark or seal such sample and shall tender at the time of making to the manufacturer or vendor of such product, or to the person having the custody of the same, the value thereof, and a statement in writing for the taking of such sample. Whenever it is determined by the Dairy and Food Commissioner, his deputy or inspectors, that filthy or unsanitary conditions exist or are permitted to exist in the operation of any bakery, confectionery, or ice cream plant, or in any place where any food or drink products are manufactured, stored, deposited or sold for any purpose whatever, the proprietor or proprietors, owner or owners, of such bakery, confectionery or ice cream plant, or any person or persons owning or operating any plant where any food or drink products are manufactured, stored, deposited or sold, shall be first notified and warned by the commissioner, his deputy or inspectors to place such bakery, confectionery or ice cream plant, or any place where any food or drink products are manufactured, stored, deposited or sold in a sanitary condition within a reasonable length of time; and any person or persons owning and operating any bakery, confectionery or ice cream plant or any place where any food or drink products are manufactured, stored, deposited or sold, failing to obey such notice and warning, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than twenty-five dollars nor more than three hundred dollars and costs of prosecution, or imprisonment in the county jail not to exceed ninety days, or until such fine and costs are paid, or both fine and imprisonment at the discretion of the court. [4978.]

Penalty for hindering or obstructing Dairy and Food Commissioner in exercise of powers, etc.: A fine of not less than ten nor more than one hundred dollars, or imprisonment in county jail not less than ten nor more than ninety days, may be imposed or enforced for obstructing Dairy and Food Commissioner in the performance of his duties; etc. [4982.]

II. Dairies and Commercial Feed Stuffs.

Dairy industry to be encouraged by Dairy and Food Commissioner: It shall be the duty of the Dairy and Food Commissioner to foster and encourage the dairy industry of the State, and, for that purpose, he shall investigate the general conditions of the creameries, cheese factories, condensed milk factories, skimming stations, milk stations and farm dairies in this State, with full power to enter upon any premises for such investigation, with the object in view of improving the quality and creating and maintaining uniformity of the dairy products of the State; and should it become necessary, in the judgment of the Dairy and Food Commission, he may cause instruction to be given in any cream-

ery, cheese factory, condensed milk factory, skimming station, milk station, or farm dairy, or in any locality in this State, and in order to secure the proper feeding and care of cows, or the practical operation of any plant producing dairy products, and in order to secure such a uniform and standard quality of dairy products in this State, he shall furnish a sufficient number of competent inspectors, the appointment of whom is provided for in section four of this act, and they shall be duly qualified to act as such inspectors. [Sec. 13 of Act No. 49, passed 1905.]

Impure or unwholesome milk resulting from unsanitary conditions: Whenever it is determined by the Dairy and Food Commissioner, his deputy or inspectors, that any person is using, selling or furnishing to any skimming station, creamery, cheese factory, condensed milk factory, milk depot, farm dairy, milk dealer, the retail trade or to any consumer of milk any impure or unwholesome milk or cream, which impurity or unwholesomeness is caused by the unsanitary or filthy condition of the premises where cows are kept, or by the unsanitary or filthy care or handling of the cows, or from the use of unclean utensils or from unwholesome food, or from any other cause, the person so using, selling or furnishing to any skimming station, creamery, cheese factory, condensed milk factory, milk depot, farm dairy, milk dealer, the retail trade, or to any consumer of milk, any such milk or cream, shall first be notified and warned by the commissioner, his deputy or inspectors not to use, sell, or furnish such milk or cream to such skimming station, creamery, cheese factory, condensed milk factory, milk depot, farm dairy, milk dealer, the retail trade, or to any consumer of milk, and any person failing to obey such notice and warning, and continuing to use, sell or furnish to any skimming station, creamery, cheese factory, condensed milk factory, farm dairy, milk dealer or to the retail trade such impure or unwholesome milk or cream, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine not less than ten dollars, nor more than fifty dollars, and costs of prosecution, or imprisonment in the county jail, not to exceed ninety days, or until such fine and costs are paid, or both fine and imprisonment at the discretion of the court. [Sec. 14 of Act No. 49, passed 1905.]

Duty of Commissioner as to unsanitary conditions: Whenever it is determined by the Dairy and Food Commissioner, his deputy or inspectors, that unsanitary conditions exist or are permitted to exist in the operation of any skimming station, creamery, cheese factory, condensed milk factory, milk depot, or farm dairy, the proprietor or proprietors, or manager of said skimming station, creamery, cheese factory, condensed milk factory or farm dairy, shall be first notified and warned by the commissioner, his deputy or inspectors to place such skimming station, creamery, cheese factory, condensed milk factory, milk depot or farm dairy in a sanitary condition, within a reasonable length of time; and any person or persons owning or operating such skimming station, creamery, cheese factory, condensed milk factory, milk depot, or farm

dairy, failing to obey such notice and warning, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than twenty-five dollars, nor more than three hundred dollars, and costs of prosecution, or imprisonment in the county jail not to exceed ninety days or until such fine and costs are paid, or both fine and imprisonment at the discretion of the court. [Sec. 15 of Act No. 49, passed 1905.]

Duty of owner to register location, make reports, etc.: It shall be the duty of the proprietor or proprietors of every skimming station, creamery, cheese factory, condensed milk factory or milk depot, in the State where milk or cream is received by purchase or otherwise from three or more persons, to register with the Dairy and Food Commissioner on or before April first of each year, upon blanks furnished by said official, the location of such skimming station, creamery, cheese factory, condensed milk factory or milk depot, and the name of its owner or owners and manager. And it shall be the duty of the proprietor or proprietors of every skimming station, creamery, cheese factory, condensed milk factory or milk depot in this State, where milk or cream is received by purchase or otherwise from three or more persons, to file a report with the Dairy and Food Commissioner, said report to be made on or before April first of each year, upon blanks furnished by said official, and to show the amount of milk or cream received by said skimming station, creamery, cheese factory, condensed milk factory or milk depot during the year ending December thirty-first preceding; and said report shall show the amount of butter, cheese or condensed milk manufactured during the year, together with a list of the names and postoffice addresses of the patrons of said skimming station, creamery, cheese factory, condensed milk factory, or milk depot. Every skimming station, creamery, cheese factory, condensed milk factory, or milk depot, so registering and so reporting, shall pay to the office of the State Dairy and Food Commissioner an annual registration fee of five dollars, to be paid at the time of such registration. The money so collected by the Dairy and Food Commissioner shall be paid into the State treasury and to be used to help defray the expenses of the office of the Dairy and Food Commissioner in addition to the annual appropriation therefor. [Sec. 16 of Act No. 49, passed 1905.]

Persons selling milk from wagon, depot, store, etc., to obtain license: Any person, persons or corporation who shall sell milk or cream from a wagon or other conveyance, depot or store, or who shall sell or deliver milk or cream to a hotel, restaurant, boarding house or any public place, shall be considered a milk dealer; and every milk dealer who shall sell milk or cream from a wagon or other conveyance, depot or store, or who shall sell, or deliver milk or cream to a hotel, restaurant, boarding house, or any public place in any city, town or village of this State, must first obtain a license from the Dairy and Food Commissioner

to sell such milk or cream. A license shall be required for each wagon or other conveyance, depot or store. Each dealer shall pay to the Dairy and Food Commissioner a license fee of one dollar for each license so granted, which license must be obtained on or before the first day of July of each year. The moneys received by the Dairy and Food Commissioner, in payment of such licenses, shall be paid into the State treasury and be used to help defray the expenses of the office of the Dairy and Food Commissioner in addition to the annual appropriation. All licenses shall be used only in the name of the owner of the wagon, depot or store, and shall, for the purpose of this act, be prima facie evidence of ownership. No license shall be sold, assigned, or transferred. Each license shall record the name, residence, place of business, number of wagons, depots or stores used (where more than one is employed) and the number of the license. Whoever violates any of the provisions of this section, in so far as relates to registration and the securing of licenses, shall be deemed guilty of a misdemeanor, and for each and every offense shall be punished by a fine of not less than five dollars, nor more than twenty-five dollars and the costs of prosecution, or by imprisonment in the county jail for not more than thirty days, or both. [Sec. 17 of Act No. 49, passed 1905.]

Regulations regarding commercial feeding stuff: Any manufacturer, company, person or persons who shall sell, offer or expose for sale or for distribution, in this State, any concentrated commercial feeding stuff used for feeding live stock, shall furnish with each car, or other amounts shipped in bulk, and shall affix to every package of such feeding stuff, in a conspicuous place, on the outside thereof, a plainly printed statement, clearly and truly certifying the number of net pounds in the car or package sold or offered for sale, the name or trademark under which the article is sold, the name of the manufacturer or shipper, the place of manufacture, the place of business, and a chemical analysis, stating the percentage is contains of crude protein, crude fibre, nitrogen, free extract and other extract, all constituents to be determined by the methods adopted by the association of official agricultural chemists. Whenever any feeding stuff is sold at retail, in bulk or in packages belonging to the purchaser, the agent or dealer shall furnish to him a certified copy of the chemical analysis named in this section.

(a) The term concentrated commercial feeding stuffs as used in this act shall include linseed meal, cotton seed meal, pea meals, cocoanut meals, gluten meals, oil meals of all kinds, gluten feeds, maize feeds, starch feeds, mixed sugar feeds, hominy feeds, rice meals, oat feeds, corn and oat-feeds, meat meals, dried blood, clover meals, mixed feeds of all kinds, slaughter house waste products; also all condimental stock foods, patented and proprietary stock foods, claimed to possess nutritive properties and all other materials intended for feeding to domestic animals: Provided, That such feeding stuffs, as defined above, shall not

include hays, straws, fodders, ensilage, the whole seeds nor the unmixed meals made directly from the entire grains of wheat rye, barley, oats, flax-seed, maize, buckwheat, wet brewers' grains, malt sprouts, wet or dried beet pulp when unmixed with other materials. Neither shall it include wheat, rye and buckwheat brans or middlings not mixed with other substances, but sold separately as distinct articles of commerce, nor pure grains ground together.

(b) Before any manufacturer, company, person or persons shall sell, offer or expose for sale in this State any concentrated commercial feeding stuff, he or they shall for each and every feeding stuff bearing a distinguishing name or trade-mark, file annually, with the Dairy and Food Commissioner a certified copy of the chemical analysis and certificate referred to in this section, and shall deposit with said Dairy and Food Commissioner a sealed glass jar, or bottle, containing at least one pound of the feeding stuff to be sold or offered for sale, together with an affidavit that it is a fair sample of the article thus to be sold or offered for sale. He or they shall also pay annually into the State treasury a license fee of twenty dollars for each and every brand of feeding stuff he offers or exposes for sale in this State. Said fee is to be paid on or before April first of each year: Provided, That whenever the manufacturer or importer shall have paid this license fee, his agents shall not be required to do so. Whenever any manufacturer, importer, agent or seller of any commercial feeding stuff desires at any time to sell such material and has not paid the license fee therefor, he shall pay the license fee prescribed in this section, before making any such sale. The money collected under the provisions of this act shall be paid into the State treasury and be used to help defray the expenses of the office of the Dairy and Food Commissioner, in addition to the regular appropriation therefor.

(c) Whenever the manufacturer, importer, agent or seller of any commercial feeding stuff shall have complied with the requirements of this section, the Dairy and Food Commissioner shall issue or cause to be issued, a license, permitting the sale of said feeding stuff, which license shall terminate on April first following the date of issue.

(d) All such analyses of commercial feeding stuffs required by this act shall be made under the direction of the Dairy and Food Commissioner, and shall be paid for out of the funds arising from the license fees provided for in this section.

(e) The Dairy and Food Commissioner shall publish, or cause to be published in bulletin form, at least annually a correct statement of all analyses made, together with any incidental information concerning same which he may deem proper.

(f) Any manufacturer, importer, company, agent, person or persons, who shall sell, offer or expose for sale, without first complying with the provisions of this act, any commercial feeding stuff, or shall attach or cause to be attached to any car, package or other quantity of said

feeding stuff, an anlysis stating that it contains a larger percentage of any one or more of the constituents named in this section than it really does contain shall, upon conviction thereof, be fined not less than one hundred dollars for the first offense, and not less than three hundred dollars for every subsequent offense, and the offender shall also be liable for damages sustained by the purchaser of such feeding stuff on account of such misrepresentation.

(g) The Dairy and Food Commossioner, by any duly authorized agent, is hereby authorized to select from any package of commercial or other feeding stuff exposed or offered for sale in this State, a quantity not exceeding two pounds for a sample, such sample to be used for the purposes of an official analysis and for comparison with the certificate filed with the Dairy and Food Commissioner, and with the certificate affixed to the package on sale. [Sec. 18 of Act No. 49, passed 1905.]

Penalty for obstructing Dairy and Food Commissioner: Any person who shall obstruct the Dairy and Food Commissioner, or his deputy, or any of his duly appointed inspectors, by refusing to allow him entrance to any place where he is authorized to enter in the discharge of his official duty, or refuses to deliver to him a sufficient sample for the analysis of any article of food or drink sold, offered or exposed for sale, or in his possession for the purpose of sale, wherever the same may be found, when the same is requested and when the value thereof is tendered, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars or more than one hundred dollars and the costs of prosecution, or by imprisonment in the county jail not less than ten days or more than ninety days, or by both such fine and imprisonment in the discretion of the court for each and every offense. [Sec. 1 of Act No. 107, passed 1899.]

III. General Food Law.

[Being Act No. 193, passed, 1895.]

SECTION 1. (as amended, 1897). **Adulteration unlawful:** *The People of the State of Michigan enact,* That no person shall within this State manufacture for sale, have in his possession with intent to sell, offer or expose for sale, or sell, any article of food which is adulterated within the meaning of this act.

SEC. 2. **Meaning of "Food:"** The term food, as used herein, shall include all articles used for food or drink, or intended to be eaten or drank by man, whether simple, mixed or compound.

SEC. 3. (as amended, 1907). **Meaning of "Adulterated:"** An article shall be deemed to be adulterated within the meaning of this act: *First,* If any substance or substances have been mixed with it, so as to lower or depreciate or injuriously affect its quality, strength or purity;

Second, If any inferior or cheaper substance or substances have been substituted wholly or in part for it; *Third,* If any valuable or necessary constituent or ingredient has been wholly or in part abstracted from it; *Fourth,* If it is an imitation of, or is sold under the name of another article; *Fifth,* If it consists wholly or in part of a diseased, decomposed, putrid, infected, tainted or rotten animal or vegetable substance or article, whether manufactured or not, or, in the case of milk, if it is the product of a diseased animal; *Sixth,* If it is colored, coated, polished or powdered whereby damage or inferiority is concealed, or if by any means it is made to appear better or of greater value than it really is; *Seventh,* If it contains any added substances or ingredient which is poisonous or injurious to health: *Provided,* That nothing in this act shall prevent the coloring of pure butter: *And povided further,* That the provisions of this act shall not apply to mixtures or compounds recognized as ordinary articles or ingredients of articles of food, if each and every package sold or offered for sale bear the name and address of the manufacturer and be distinctly labeled under its own distinctive name, and in a manner so as to plainly and correctly show that it is a mixture or compound, and is not in violation with definition fourth and seventh of this section.

SEC. 4. **Butter and dairy products to be pure:** No person, by himself or his agents or servants, shall manufacture for sale or offer for sale, or sell, as butter, and the legitimate product of the dairy or creamery, any article not made exclusively of milk or cream, but into which the oil or fat of animals, or any other oils not produced from milk, enter as a component part, has been introduced to take the place of cream. Whoever violates the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than fifty nor more than five hundred dollars, and the costs of prosecution, or by imprisonment in the county jail, or the State House of Correction and Reformatory at Ionia for not less than ninety days nor more than two years, or by both such fine and imprisonment in the discretion of the court for each and every offense.

SEC. 5. **Imitation cheese unlawful:** No person shall manufacture deal in, sell, offer or expose for sale or exchange, any article or substance in the semblance of, or in imitation of cheese made exclusively of unadulterated milk or cream, or both, into which any animal, intestinal or offal fats or oils or melted butter in any condition or state or modification of the same, or oleaginous substances of any kind not produced from unadulterated milk or cream shall have been introduced. Whoever shall violate the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than fifty nor more than five hundred dollars and the costs of prosecution, or by imprisonment in the county jail or the State House of Correction and Reformatory at Ionia for not less

than ninety days nor more than two years, or by both such fine and imprisonment in the discretion of the court for each and every offense.

SEC. 6. (as amended, 1897). **Full milk cheese:** Every manufacturer of full milk cheese may put a brand upon each cheese, indicating "Full milk cheese," and no person shall use such a brand upon any cheese made from milk from which any of the cream has been taken. It shall be the duty of the proprietor of every cheese factory, creamery or butter factory in the State where milk or cream is purchased of or contributed by three or more persons, to register the location of such cheese factory, creamery or butter factory and the name of its owner or manager with the Dairy and Food Commissioner on or before the first day of October, A. D. eighteen hundred and ninety-seven, and on or before the first day of April in each year thereafter. Whoever violates any of the provisions of this section, in so far as it relates to registration, shall be deemed guilty of a misdemeanor, and for each and every offense shall be punished by a fine of not less than five dollars nor more than twenty-five dollars and the costs of prosecution, or by imprisonment in the county jail for not more than thirty days or both.

SEC. 7. **Michigan full cream cheese:** The Dairy and Food Commissioner shall procure and issue to the cheese manufacturers of the State, on proper application, which application shall be made on or before the first day of October, A. D. eighteen hundred ninety-five and on or before the first day of April in each year thereafter, and under such regulation as to the custody and use thereof as he may prescribe, a uniform stencil brand, bearing a suitable device or motto and the words "Michigan full cream cheese." Every such brand shall be used on the outside of the cheese, and upon the package containing the same, and shall bear a separate number for each separate factory. The said commissioner shall keep a book in which shall be registered the name, location and number of each manufactory using the brand, and the name or names of persons at each factory authorized to use the same. No such brand shall be used on other than full cream cheese or packages containing the same. The commissioner shall receive a fee of one dollar for each registration, said fee to be paid by the party applying for the same, which amount shall be accounted for and used as a part of the fund appropriated for the enforcement of the laws of this State with which the Dairy and Food Commissioner is charged.

SEC. 8. **False brands unlawful:** No person shall knowingly offer, sell or expose for sale, in any package cheese which is falsely branded or labeled.

SEC. 9. **Lard to be pure:** No person shall within this State manufacture for sale, have in his possession with intent to sell, offer or expose for sale, or sell as lard, any substance not legitimate and exclusive product of the fat of the hog.

SEC. 10. **Lard substitute or compound, etc.:** Every person who manufactures for sale, has in his possession with intent to sell, offers or

exposes for sale, or sells, any substance made in the semblance of lard, or as an imitation of lard, and which consists of any mixture or compound of animal or vegetable oils, or fats, other than hog fat, in the form of lard, shall cause the tierce, barrel, tub, pail or package containing the same to be distinctly and legibly branded or labeled "Lard substitute or compound," and every person who manufactures for sale, has in his possession with intent to sell, offers or exposes for sale or sells, any substance made in the emblance of lard or as an imitation of lard, or as a substitute for lard, and which is designed to take the place of lard, and which consists of any mixture or compound of lard with animal or vegetable oils or fats, shall cause the tierce, barrel, tub, pail or package containing the same to be distinctly and legibly branded or labeled either "Adulterated lard," "Lard compound," or "Lard substitute." Such brands or labels shall be in letters not less than one inch in length and shall be followed with the name of the maker and factory, and the location of such factory.

SEC. 11. **Lard substitute, adulterated lard or lard compound:** Every dealer or trader who, by himself or agent, or as the servant or agent of another person, offers or exposes for sale, or sells any form of lard substitute or adulterated lard, as hereinbefore defined, shall securely affix or cause to be affixed to the package wherein the same is contained, offered for sale or sold, a label, upon the outside and face of which is distinctly and legibly printed in letters not less than one-half inch in length, the words "Lard substitute" or "Adulterated lard" or "Lard compound" or other appropriate word which shall correctly express its nature and use.

SEC. 12. **False brand on lard unlawful:** The having in possession of any lard substitute or adulterated lard or lard compound, as hereinbefore defined, which is not branded or labeled as hereinbefore required and directed, upon the part of any dealer or trader, or any person engaged in the public sale of such articles, shall for the purpose of the act be deemed *prima facie* evidence of intent to sell the same.

SEC. 13. **Jelly to be pure:** No person, firm or corporation in this State shall manufacture for sale, or sell, or offer or expose for sale, as fruit jelly or fruit butter, any jelly or imitation fruit butter or other similar compound made or composed in whole or in part of glucose, dextrine, starch or other substances, and colored in imitation of fruit jelly or fruit butter; nor shall any such jelly, fruit butter or compound be manufactured or sold, or offered for sale, under any name or designation whatever, unless the same shall be composed entirely of ingredients not injurious to health, and shall not be colored in imitation of fruit jelly, and every can, pail or package of such jelly or butter sold in this State shall be distinctly and durably labeled "Imitation fruit jelly or butter," with the name of the manufacturer and the place where made. Whoever violates the provisions of this section shall be deemed guilty of a misdemeanor, and when convicted thereof shall be punished by a fine

of not less than fifty nor more than five hundred dollars, or by imprisonment in the county jail or State House of Correction and Reformatory at Ionia for not less than ninety days nor more than two years, or by both such fine and imprisonment in the discretion of the court.

SEC. 14. **Canned fruits, etc.; soaked or bleached goods:** No packer or dealer in preserved or canned fruits and vegetables, or other articles of food, shall sell or offer for sale such canned articles, unless such articles shall be entirely free from substances or ingredients deleterious to health, and unless such articles bear a mark, stamp, brand or label bearing the name and address of the firm, person or corporation that packs the same. All "Soaked or bleached goods," or goods put up from products dried before canning, shall be plainly marked, branded, stamped or labeled as such, with the words "Soaked or bleached goods," in letters not less than two-line pica in size, showing the name of the article and the name and address of the packer.

SEC. 15. (as amended, 1897). **Coffee, coffee compound, etc.:** No person shall manufacture or sell, or offer for sale any manufactured or artificial coffee berry in imitation of the genuine berry. No person shall manufacture, sell or offer or expose for sale any ground or prepared coffee, which is adulterated with chicory or other substance not injurious to health, unless each package thereof shall be distinctly labeled or marked "Coffee compound," together with the name and address of the manufacturer or compounder thereof, and has no other label of whatever name or designation. No person shall offer or expose for sale, have in his possession with intent to sell, or sell any molasses, syrup or glucose, unless the barrel, cask, keg, pan or pail containing the same shall be distinctly branded or labeled with the true and appropriate name; nor shall any person offer or expose for sale, have in his possession with intent to sell, or sell any molasses or syrup mixed with glucose, unless the barrel, cask, keg or pail containing the same be distinctly branded or labeled "Glucose mixture," and the per cent in which glucose enters into its composition. Such barrel, cask, keg or pail shall be branded or labeled in a conspicuous place; and such brands or labels shall be in letters of not less than one-half inch in length. Glucose and glucose mixtures shall have no other designation than herein required.

SEC. 16. **Brewing and distilling:** No person shall within this State manufacture, brew, distill, have or offer for sale, or sell, any spirituous or fermented or malt liquors, containing any substance or ingredient not normal or healthful, to exist in spirituous, fermented or malt liquors, or which may be deleterious or detrimental to health when such liquors are used as a beverage.

SEC. 17. **Taking orders, etc.:** The taking of orders or the making of agreements or contracts, by any person, firm or corporation, or by any agent or representative thereof, for the future delivery of any of the articles, products, goods, wares or merchandise embraced within the

provisions of this act, shall be deemed a sale within the meaning of this act.

SEC. 18. **Penalty for false branding, etc.:** Whoever shall falsely brand, mark, stencil or label any article or product required by this act to be branded, marked, stenciled, or labeled, or shall remove, alter, deface, mutilate, obliterate, imitate or counterfeit any brand, mark, stencil or label so required, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred nor more than one thousand dollars and the costs of prosecution, or by imprisonment in the county jail or State House of Correction and Reformatory at Ionia, for not less than six months nor more than three years, or by both such fine and imprisonment in the discretion of the court for each and every offense.

SEC. 19. (as amended, 1899). **Further penalties:** Whoever shall do any of the acts or things prohibited, or willfully neglect or refuse to do any of the acts or things enjoined by this act, or in any way violate any of its provisions, shall be deemed guilty of a misdemeanor, and where no specific penalty is prescribed by this act shall be punished by a fine of not less than twenty-five nor more than five hundred dollars, or by imprisonment in the county jail for a period of not more than ninety days, or by both such fine and imprisonment,, in the discretion of the court.

SEC. 20. **Dairy and Food Commissioner to enforce law:** It shall be the duty of the Dairy and Food Commissioner of the State to investigate all complaints of violations of this act, and take all steps necessary to its enforcement. It shall be the duty of all prosecuting officers of this State to prosecute to completion all suits brought under the provisions of this act upon the complaint of the commissioner or of any citizen. It shall be the duty of all food inspectors in cities to examine all complaints made to them of violation of this act, and to render assistance in enforcing its provisions. It shall also be the duty of all health boards in cities and health officers in townships to take cognizance of and report or prosecute all violations of this act that may be brought to their notice, or they may have cognizance of, within their jurisdiction.

SEC. 21. **Repeals:** All acts and parts of acts inconsistent with this act are hereby repealed.

IV. Buckwheat Flour.

AN ACT in relation to the manufacture and sale of buckwheat flour.

[Being Act No. 208, passed 1903.]

Section 1. *The people of the State of Michigan enact,* Within this State no person shall manufacture, offer, or expose for sale, keep in possession with intent to sell, or sell any ground buckwheat containing any product of wheat, corn, rice or other foreign substance, unless each

and every package thereof be distinctly and legibly branded or labeled "Buckwheat Flour Compound" in letters not less than one-half inch in length and be followed with the name of the maker and factory and the location of such factory.

Sec. 2. Any brand or label herein required shall be an inseparable port of the general or distinguishing label, and such label shall be that principal and conspicuous sign under which it is sold, and any other label or printed matter upon the package shall not be in contravention of the requirements of this act.

Sec. 3. The having in possession of any buckwheat flour compound, which is not branded or labeled as hereinbefore required and directed upon the part of any person engaged in the public or private sale of such article, shall, for the purpose of this act, be deemed *prima facie* evidence of intent to sell the same.

Sec. 4. The taking of orders or the making of agreements or contract by any person, firm or corporation or by any agent or representative thereof, for the future delivery of buckwheat flour compound shall be deemed a sale within the meaning of this act.

Sec. 5. Whoever shall do any of the acts or things prohibited, or neglect or refuse to do any of the acts or things enjoined by this act, or in any way violate any of the provisions, shall be deemed guilty of a misdemeanor and shall be punished by a fine not less than twenty-five dollars nor more than one hundred dollars, or by imprisonment in the county jail for a period of not less than thirty days nor more than ninety days or by both such fine and imprisonment in the discretion of the court.

Sec. 6. Act number eighty-four of the public acts of eighteen hundred and ninety-seven, entiled "An act to prohibit and prevent adulteration, fraud and deception in the manufacture and sale of buckwheat flour," being sections four thousand nine hundred ninety-four to five thousand two, both inclusive, of the Compiled Laws of one thousand eight hundred and ninety-seven is hereby repealed.

V. Vinegar.

The manufacture and sale of vinegar.

[Act No. 71, passed, 1897.]

Section 1. *The People of the State of Michigan enact*, That no person shall manufacture for sale, offer or expose for sale, sell or deliver, or have in his possession with intent to sell, or deliver, any vinegar not in compliance with the provisions of this act. No vinegar shall be sold as apple, orchard or cider vinegar, which is not the legitimate product of pure apple juice, known as apple cider or vinegar, not made exclusively of said apple cider or vinegar into which foreign substance, drugs or

acids have been introduced, as may appear upon proper test, and upon said test, shall contain not less than one and three-fourths per cent, by weight, of cider vinegar solids upon full evaporation at the temperature of boiling water.

Sec. 2. All vinegar made by "fermentation and oxidation without the intervention and distillation shall be branded "fermented vinegar," with the name of the fruit or substance from which the same is made. And all vinegar made wholly or in part from distilled liquor shall be branded "distilled vinegar," and all of such distilled vinegar shall be free from coloring matter added during or after distillation. And all fermented vinegar not distilled shall contain not less than one and three-fourths per cent, by weight, upon full evaporation (at the temperature of boiling water) of solids, contained in the fruit or grain from which said vinegar is fermented, and said vinegar shall contain not less than two and a half tenths of one percent ash or mineral matter, the same being the product of the material from which said vinegar is manufactured. And all vinegar shall be made wholly from the fruit or grain from which it purports to be or is represented to be made, and shall contain no foreign substance, and shall contain not less than four per cent, by weight, of absolute acetic acid.

Sec. 3. No person shall manufacture for sale, offer for sale, or have in his possession with intent to sell, any vinegar found upon proper test to contain any preparation of lead, copper, sulphuric or other mineral acid, or other ingredients injurious to health. And all packages containing vinegar shall be marked, stenciled or branded on the head of the cask, barrel or keg containing such vinegar with the name and residence of the manufacturer together with brand required in section two hereof.

Sec. 4. Whoever violates any of the provisions of this act shall, upon conviction, be fined not less than fifty dollars nor more than one hundred dollars, or imprisonment in the county jail not to exceed ninety days and the costs of imprisonment, or by both such fine and imprisonment in the discretion of the court.

Sec 5. All acts and parts of acts contravening the provisions of this act are hereby repealed.

VI. Milk.

Adulteration of milk and milk products; penalty: Whoever shall knowingly sell to any person or persons, or sell, deliver, or bring to be manufactured to any cheese or butter manufactory in this State, any milk diluted with water, or in any way adulterated or milk from which any cream has been taken, or milk commonly known as "skimmed milk," or shall keep back any part of the milk known as "strippings" with intent to defraud, or shall knowingly sell milk, the product of a sick or diseased animal or animals, or any milk produced from any cow fed upon the refuse of a distillery, or of a brewery, or upon any substance

deleterious to the quality of the milk, or shall knowingly use any poisonous or any deleterious material in the manufacture of any cheese or butter, or shall knowlingly sell or offer to sell any cheese or butter, in the manufacture of which any poisonous or deleterious substance has been used, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not less than ten dollars nor more than one hundred dollars; and may be committed to the county jail until such fine shall be paid: *Provided,* That such imprisonment shall not exceed ninety days; and shall be liable in double the amount of damages to the person or persons, firm, association, or corporation upon which such fraud shall have been committed. An act entitled "An act to prevent the adulteration of milk and to prevent the taffic in impure and unwholesome milk," approved March thirty-first, eighteen hundred and seventy-one, is hereby repealed: *Provided,* That any right accrued or forfeiture incurred under said act, shall remain valid and binding, and may be enforced under said act as if the same were not repealed. [11411.]

Impure, unwholesome, adulterated, or swill milk; sale of unlawful: It shall be unlawful for any person, either by himself or agent, to sell or expose for sale within the State of Michigan any unwholesome, watered, or adulterated or impure milk or swill milk or colostrum, or milk from cows kept upon garbage, swill or any substance in a state of fermentation or putrefaction or other deleterious substances, or from cows kept in connection with any family in which there are infectious diseases. The addition of water or ice to the milk is hereby declared an adulteration. [11412.]

Penalty: Any person who shall violate any of the provisions of the preceding section shall be punished by a fine not to exceed one hundred dollars or (by) imprisonment not to exceed three months or by such fine and imprisonment, in the discretion of the court. [11413.]

Inspector to be appointed: It shall be the duty of the metropolitan police commissioners of the city of Detroit, by and with the consent and advice of the board of health of the city of Detroit, to appoint an inspector, who shall be a person of previous practical experience. Said inspector may be created captain, sergeant or roundsman of the said police force of the city of Detroit, at the option of the board of metropolitan police commissioners. [11414.]

Duty of Inspector: It shall be the duty of said inspector to personally view, so far as possible, all milk exposed for sale in said city, and to visit all dairy houses, barns, or stables in said city or the county of Wayne, to inspect the same, and the animals held therein, and to visit all places where milk is kept or exposed for sale in the city of Detroit, and to inspect and ascertain the condition of said milk. He may detail any patrolman of said city to assist him in the performance of any or all of the duties enjoined on him by this act: *Provided, always,* That said inspector and any policeman so detailed shall always be

subject to the provisions of the laws establishing and governing the metropolitan police of said city. [11415.]

Complaint: It shall be the duty of said inspector or of his assistant, and of all other inspectors appointed under this act, to make complaint in writing before a police justice or justice of the peace, or other court having jurisdiction thereof, of every violation of this act coming to his knowledge. [11416.]

Separate offenses; what are: Each and every quantity of milk sold or exposed for sale contrary to the provisions of this act shall constitute a separate offense. [11417.]

Penalty for resisting inspector: Any person who shall refuse to permit the said inspector, or his assistant (assistants,) to perform his duty under this act, either by refusing him entrance to his premises or by concealing any milk, or refusing to permit any milk or animal or premises wherein animals are kept, to be viewed and inspected as herein provided, or by in any manner hindering or resisting any said inspector or assistant inspector in the performance of his duty, shall be guilty of a misdemeanor, and punished therefor. [11418.]

Common council and trustees to appoint inspector: Authority is hereby given the common council of any city, and the board of trustees or council of any village, to appoint an inspector of milk in any such city or village, and to fix their compensation, and when appointed the said inspectors of milk shall have all the powers given by section four of this act, and shall perform all the duties required of inspectors of milk as provided herein, and such other powers and duties as may be conferred or imposed by the ordinances of said cities or villages. [11419.]

Who shall be punished for adulteration and how: Whoever shall adulterate by himself, or by his servant or agent, or sell, exchange or deliver, or have in his custody or possession with intent to sell or exchange the same, or exposes or offers for sale or exchange, adulterated milk or milk to which water or any foreign (substance) substances in any state of fermentation or putrefaction, or from sick or diseased cows, shall be guilty of a misdemeanor, and shall, for every such offense, be punished by a fine not exceeding one hundred dollars or by imprisonment in the county jail or the State House of Correction and Reformatory at Ionia not exceeding three months. [11420.]

Possession of adulterated milk, etc., with intent to sell; penalty, etc.: Whoever shall adulterate, himself, or by his servant or agent, sell, exchange or deliver, or have in his custody or possession with intent to sell or exchange the same, or exposes or offers for sale as pure milk, any skimmed milk from which the cream or any part thereof has been removed shall be guilty of a misdemeanor, and shall, for such offense, be punished by the penalty provided in the preceding section. [11421.]

Skimmed milk; how to be sold: Any dealer in milk who shall by himself, servant or agent, sell, exchange or deliver, or have in his

custody or possession with intent to sell, exchange or deliver the same, milk from which the cream or any part thereof has been removed, unless in a conspicuous place above the center upon the outside of every vessel, can or package from which any such milk is sold, the words "Skimmed milk" are distinctly painted in letters not less than one inch in length, shall be guilty of a misdemeanor and shall be punished by a fine of not exceeding one hundred dollars or by imprisonment in the county jail or Detroit House of Correction not exceeding three months. [11422.]

What analysis of milk must show: If milk sold or offered for sale under the provisions of this act as pure milk, is shown upon analysis by weight to contain more than eighty-seven and fifty one-hundredths per centum of watery fluid, or to contain less than twelve and fifty one-hundredths of milk solids, per centum, or less fat than three percentum, or if the specific gravity at 60 degrees Fahrenheit is not between 1 29-1000 to 1 33-1000, it shall be deemed to be adulterated. If milk sold or offered for sale under the provisions of this act as skimmed milk has a specific gravity at 60 degrees Fahrenheit less than 1,032 and greater than 1,037, it shall be deemed to be adulterated. [11423.]

Inspector to take samples of adulterated milk: Whenever any inspector of milk has reason to believe that any milk found by him is adulterated, he shall take specimens thereof and test the same with such instrument or instruments as are used for such purposes, and he shall make an analysis thereof, showing total solids, the percentage of butter, the percentage of water and the percentage of ash; and if the result of such test and analysis indicates that the milk has been adulterated or deprived of its cream of any part thereof, the same shall be *prima facie* evidence of such adulteration in a prosecution under this act. [11424.]

Removing cream; adding water, etc.; penalty: Any person who shall remove the cream of any part thereof from milk to be sold as pure milk to any manufactory in which milk is used as a material in the process of production, and any person who shall, in any manner, adulterate such milk, either by the addition of water or otherwise, shall be guilty of a misdemeanor, and shall, for every such offense, be punished by a fine not exceeding one hundred dollars, or by imprisonment in the county jail or Detroit House of Correction not exceeding ninety days. [11425.]

Sale and delivery of milk: No person shall offer or expose for sale, sell, exchange or deliver, or have in his possession with intent to sell, exchange or deliver, any milk to which water, chemicals or preservatives, or any other foreign substance has been added. The term milk as used in this act shall include all skimmed milk, butter milk, cream and milk in its natural state as drawn from the cow. [Sec. 1 of Act No. 106, passed 1899.]

Penalties: Whoever shall do any of the acts or things prohibited, or neglects or refuses to do any of the acts or things enjoined by this

act, or in any way violates any of its provisions, shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than one dollar nor more than one hundred dollars and the costs of prosecution, or by imprisonment in the county jail not more than ninety days, or by both such fine and imprisonment in the discretion of the court. [Sec. 2 of Act No. 106, passed 1899.]

VII. Oleomargarine.

The manufacture and sale of oleomargarine or imitation butter.

[Act. No. 147, passed 1899.]

Section 1. *The People of the State of Michigan enact,* No person shall sell, expose or offer for sale or exchange, or have in his possession with intent to sell or exchange, any oleomargarine, or other substance made in imitation of butter, and which is intended to be used as a substitute for butter, unless each and every vessel, package, roll or parcel of such substance has distinctly and durably printed, stamped or stenciled thereon in black letters the true name of such substance, in ordinary bold faced capital letters, not less than five line pica in size; and also the name and address of the manufacturer, together with the name of each and every article or ingredient used or entering into the composition of such substance, in ordinary bold faced letters, not less than pica in size.

Sec. 2. No person shall sell, exchange or deliver any oleomargarine or other substance made in imitation of butter, and which is intended to be used as a substitute for butter, unless he shall distinctly inform the purchaser by a verbal notice at the time the sale that the same is a substitute for butter ,and shall also deliver to the purchaser of each and every roll, package or parcel of such oleomargarine or other substance, at the time of the delivery of the same, a separate and distinct label on which is plainly and legibly printed in black ink in ordinary bold faced capital letters not less than five line pica in size, the true name of such substance and also the name and address of the manufacturer, together with the name of each article used and entering into the composition of such substance, in ordinary bold faced letters not less than pica in size.

Sec. 3. The proprietor or keeper of any store, hotel, restaurant, eating saloon, boarding house, or other place where oleomargarine is sold or furnished to persons paying for the same, shall have placed on the walls of every store or room where oleomargaine is sold or furnished, a white placard on which is printed in black ink, in plain Roman letters of not less than three inches in length, and not less than two inches in width, the words "Oleomargarine Sold or Used Here," and shall at all times keep the same exposed in such conspicuous place as to be readily seen by any and all persons entering such store, or other room or rooms.

Sec. 4. No person shall use in any way, in connection or association with the sale or exposure for sale or advertisement of any substance designed to be used as a substitute for butter, the word "butter," "creamery," or "dairy," or the name or representation of any breed of dairy cattle, or any combination of such word or words and representation, or any other words or symbols or combinations thereof commonly used in the sale of butter.

Sec. 5. For the purpose of this act the word "butter" shall be understood to mean the food product usually known as butter, and which is made exclusively from milk or cream, or both, with or without common salt, and with or without addjtional coloring matter.

Sec. 6. For the purposes of this act certain manufactured substances, certain extracts, and certain mixtures and compounds, including such mixtures and compounds with butter, shall be known and designated as "oleomargarine," namely: All substances heretofore known as oleomargarine, oleo, oleomargarine oil, butterine, lardine, suine and neutral; all mixtures and compounds of oleomargarine, oleo, oleomargarine oil, butterine, lardine, suine and neutral; all lard extracts and tallow extracts; and all mixtures and counpounds of tallow, beef fat, suet, lard, lard oil, vegetable oil, butterine, lardine, suine and neutral; all lard extracts and tallow extracts; and all mixtures and compounds of tallow, beef fat, suet, lard, lard oil, vegetable oil, intestinal fat, and affal fat, made in imitation or semblance of butter, or when so made, calculated or intended to be sold or used as butter or for butter.

Sec. 7. Whoever violates any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than fifty dollars, nor more than five hundred dollars, and the costs of prosecution, or by imprisonment in the county jail or State House of Correction and Reformatory at Ionia, for not less than six months nor more than three years, or by both such fine and imprisonment in the discretion of the court, in each and every offense. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

VII. Butter.

MANUFACTURE AND SALE OF IMITATION BUTTER.

[Act. No. 22, passed 1901.]

Section 1. *The people of the State of Michigan enact,* No person, by himself or his agents, or servants, shall render or manufacture, sell, offer for sale, expose for sale, or have in his possession with intent to sell, any article, product or compound made wholly or in part out of any fat, oil or oleaginous substance or compound thereof, not produced from unadulterated milk, or cream from the same, which shall be in imitation of yellow butter produced from pure unadulterated milk or cream of the same: *Provided,* That nothing in this act shall be construed to prohibit

the manufacture or sale of oleomargarine in a separate and distinct form, and in such manner as will advise the consumer of its real character, free from coloration or ingredient that causes it to look like butter.

Sec. 2. Whoever violates any of the provisions of section one of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than fifty dollars nor more than five hundred dollars, and the costs of prosecution, or by imprisonment in the county jail or State House of Correction and Reformatory at Ionia for not less than six months nor more than three years, or by both such fine and imprisonment in the discretion of the court, for each and every offense.

MANUFACTURE AND SALE OF RENOVATED BUTTER.

[Act. No. 243, passed 1903.]

Section 1. *The People of the State of Michigan enact,* No person, firm or corporation shall manufacture for sale, offer or expose for sale, sell, exchange or deliver or have in his possession with the intent to sell, exchange or deliver, any butter that is produced by taking original packing stock butter or other butter, or both, melting the same so that the butter fat can be drawn off or extracted; mixing the said butter fat with skimmed milk, or milk or cream, or other milk product, and re-churning or reworking the said mixture; nor shall any person, firm or coporation manufacture for sale, offer or expose for sale, sell, exchange or deliver, or have in his possession for any such purpose any butter which has been subjected to any process by which it is melted, clarified or refined, or made to resemble butter, and is commonly known as boiled, process or renovated butter, and which for the purpose of this act is hereby designated as "Renovated Butter," unless the same shall be branded or marked as provided in section two of this act.

Sec. 2. Whoever, himself or by his agent, or as the servant or agent of another person shall sell, expose for sale or have in his custody or possession with the intent to sell any "Renovated Butter," as defined in section one of this act, shall have the words "Renovated Butter" conspicuously stamped, labeled or marked in one or two lines and in plain gothic letters, at least three-eighths of an inch square, so that the words cannot be easily defaced, upon two sides of each and every tub, firkin, box or package containing said "Renovated Butter"; or, if such butter is exposed for sale uncovered, or not in case or package, a placard containing said words in the same form as above described in this section shall be attached to the mass in such a manner as to be easily seen and read by the purchaser. When "Renovated Butter" is sold from such package or otherwise at retail, in print, roll or other form, before being delivered to the purchaser, it shall be wrapped in wrappers plainly stamped on the outside thereof with the words "Renovated Butter" printed or stamped thereon in one or two lines, and in plain gothic letters at least

three-eighths of an inch square and such wrapper shall contain no other words or printing thereon, and said words "Renovated Butter" so stamped or printed in the said wrapper shall not be in any manner concealed, but shall be in plain view of the purchaser at the time of the purchase.

Provided, If at any time the laws of the United States provide that butter manufactured as is described in this act, shall be labeled "Process Butter," then and in such case only shall such substitution be permitted and the labeling of said butter as "Process Butter" shall be deemed a compliance with this act. [From Public Act No. 119, approved May 19, 1909.]

Sec. 3. Whoever shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars nor more than five hundred dollars, and the costs of prosecution, or by imprisonment in the county jail or Michigan Reformatory at Ionia, for not less than six months nor more than three years, or by both such fine and imprisonment in the discretion of the court, for each and every offense.

Sec. 4. Act number two hundred fifty-four of the public acts of eighteen hundred ninety-nine, repealed.

IX. Confectioneries.

ADULTERATION OF CANDIES AND CONFECTIONERIES AND THE SALE THEREOF, ETC.

[Act. No. 11, passed 1887.]

Section 1. *The People of the State of Michigan enact,* That any person or persons manufacturing for sale or knowingly selling or offering to sell any candies or confectioneries adulterated by the admixture of terra alba, barytes, talc or other earthy or mineral substances, or any poisonous colors, flavors or extracts, or other deleterious ingredients detrimental to health, shall upon proper conviction thereof, before a court of competent jurisdiction, be punished by a fine not less than ten nor more than one hundred dollars, or imprisonment in the county jail not less than ten nor more than thirty days, or both such fine and imprisonment in the discretion of the court.

Sec. 2. It is hereby made the duty of the local health officer or local board of health having jurisdiction thereof to investigate without unnecessary delay all complaints that may be properly brought before them and containing the facts as supported by affidavit of the parties complaining of the adulteration or sale of adulterated candies or confectioneries * * * .

IXa. Ice Cream.

No person, firm or corporation shall manufacture for sale, keep for sale, sell, barter, exchange or deal in ice cream which shall contain any substance other than milk, cream, eggs, sugar, and some neutral flavoring gelatin or vegetable gums of which contain less than twelve per cent milk

fat except where nuts are used for flavoring when ten per cent milk fat shall be sufficient. [From Public Act No. 70 approved May 6, 1909.]

X. Pepper.

THE MANUFACTURE AND SALE OF BLACK PEPPER IN MICHIGAN.

[Act. No. 180, passed 1901.]

Section 1. *The People of the State of Michigan enact,* Within this State no person, firm, or corporation shall manufacture, offer or expose for sale, keep in possession with intent to sell, or sell any ground or whole black pepper containing any foreign substance whatever. All black pepper shall contain not more than six and one-half per cent ash or mineral matter; and shall contain not less than twenty-five per cent starch as determined by the diastase method; and shall cotnain not less than six tenths of one per cent nor more than one and three-fourths per cent of volatile ether extract; and shall contain not more than ten per cent nor less than six and one-half per cent of nonvolatile ether extract; and shall contain not more than sixteen per cent of crude fibre.

Sec. 2. Whoever shall do any of the acts or things prohibited, or neglects or refuses to do any of the acts or things enjoined by this act, or in any way violates any of its provisions, shall be deemed guilty of a misdemeanor, and shall be punished by a fine not less than twenty-five nor more than five hundred dollars and the costs of the prosecution, or by imprisonment in the county jail not more than ninety days, or by both such fine and imprisonment, in the discretion of the court.

XI. Corn Syrup.

THE SALE OF CORN SYRUP.

[Act No. 123, passed 1903.]

Section 1. *The People of the State of Michigan enact,* No person shall offer or expose for sale, have in his possession with intent to sell, or sell, any cane syrup, beet syrup, or glucose, unless the barrel cask, keg, can, pail or package containing the same be distinctly branded or labeled with the true and appropriate name; nor shall any person offer or expose for sale, have in his possession with intent to sell, or sell any cane syrup or beet syrup mixed with glucose unless the barrel, cask, keg, can, pail or package containing the same be distinctly branded or labeled "Glucose Mixture" or "Corn Syrup" in plain gothic type not less than three-eighths of an inch square, with the name and percentage by weight of each ingredient contained therein plainly stamped, branded or stenciled on each package in plain gothic letters not less than one-quarter of an inch square. Each and every package of syrup either simple or mixed shall bear the name and address of the manufacturer. Such mixtures or syrups shall have no other designation or brand than herein required

that represents or is the name of any article which contains a saccharine substance; and all brands or labels required shall be an inseparable part of the general or distinguishing label, and that the general or distinguishing label shall be that principal and conspicuous sign under which it is sold.

Sec. 2. Whoever shall do any of the acts or things prohibited, or neglect or refuse to do any of the acts or things required by this act, or in any way violate any of the provisions, shall be deemed guilty of a misdemeanor, and shall be punished by a fine not less than twenty-five dollars nor more than one hundred dollars, or by imprisonment in the county jail for a period of not less than thirty nor more than ninety days, or by both such fine and imprisonment in the discretion of the court.

XII. Maple sugar, molasses and syrup.

Adulteration unlawful: It shall be unlawful for any person, dealer, firm, manufacturer or corporation to manufacture and sell, or offer for sale, any maple sugar, maple molasses or maple syrup that is in anywise adulterated with common sugar, beet sugar, glucose or any other foreign substance without distinctly marking, stamping or labeling the article or the package containing the same with the true and appropriate name of such article and the percentage in which common sugar, beet sugar, glucose or any other foreign substance enters into the composition of the same. [5007.]

Misrepresentation in sale unlawful: Any person, dealer, firm, manufacturer or corporation, who shall sell or offer for sale, and who shall falsely stamp or misrepresent or label any cans, jugs, jars or packages containing maple molasses or maple syrup, and any person, dealer, firm, manufacturer or corporation who shall sell or offer for sale any maple sugar that is in anywise adulterated, who falsely misrepresents or labels or stamps the same, or knowingly permits such misrepresentation or false stamping or labeling, shall be deemed guilty of a misdemeanor and punished with a fine not less than fifty dollars, in case of vender, and in the case of manufacturers and those falsely or fraudulently stamping or labeling or misrepresenting such goods, shall be fined not less than five hundred dollars, nor more than one thousand dollars, and it shall be the duty of any board of health in this state, or food commissioner, should there be one, cognizant of any violation of this act to prosecute any person, dealer, firm, manufacturer, or corporation, which it has reason to believe has violated any of the provisions of this act, and after deducting the costs of trial and conviction the balance of fine recovered, one-half be placed in the township treasury wherein the conviction is made, the balance placed to the general fund of the county. Any (person) persons, dealer, firm, manufacturer or corporation who shall knowingly sell or offer for sale any cans, jugs, jars or packages containing maple molasses, maple syrup, or maple sugar, that is in anywise adulterated, shall

be deemed guilty of a misdemeanor and punished by a fine or not more than one hundred dollars, or by imprisonment in the county jail for a period not to exceed three months, or by both such fine and imprisonment, at the discretion of the court. [5008.]

False stamp or label unlawful: Any person, dealer, firm, manufacturer or corporation, who shall falsely stamp or misrepresent or label any cans, jugs, jars or packages, containing maple molasses, or maple syrup, or maple sugar, that is in anywise adulterated, or knowingly permits such (misrepresentation) misrepresentations or false stamping or labeling, shall be deemed guilty of a misdemeanor, and punished by a fine, not more than five hundred dollars, or by imprisonment in the county jail for a period of not more than one year, or by both such fine or imprisonment, in the discretion of the court. [5009.]

XIII. Preservatives.

THE USE OF PRESERVATIONS IN FOOD PRODUCTS.

[Act No. 13, passed 1905.]

Section 1. *The People of the State of Michigan enact,* No person, firm or corporation shall manufacture, sell, offer for sale, expose for sale, or have in his possession with intent to sell, any food product containing benzoic acid or benzoate of sodium, or any other harmless preservative, unless each and every package containing the same shall, in the condition in which it is exposed for sale, be distinctly, conspicuously, and legibly branded, labeled or marked, in plain English letters, with the words "Prepared with" followed by the proper English name of the preservative used: Provided, That nothing in this act shall be construed to prohibit or regulate, by branding or otherwise, the use as a preservative of common salt, syrup, sugar, salt petre, spices, alcohol, vinegar or wood smoke: And *Provided Further,* That the provisions of this act shall not apply to dairy products.

Sec. 2. Whoever shall do any of the acts or things prohibited, or neglect or refuse to do any of the acts or things required by this act, or in any way violate any of its provisions, shall be deemed guilty of a misdemeanor, and shall be punished by a fine not less than ten dollars nor more than one hundred dollars, or by imprisonment in the county jail for a period of not more than ninety days, or by both such fine and imprisonment in the discretion of the court.

CHAPTER 6.

Descent and Distribution of Property.

I. Descent of real property.
II. Sale of land for payment of debts of deceased.
III. Distribution of personal property.
VI. Who entitled to administer estate.

I. Descent of Real Property.

Lands descend subject to debts: When any person shall die seized of any lands, tenements or hereditaments, or of any right thereto, or entitled to any interest therein in fee simple, or for the life of another, not having lawfully devised the same, they shall descend, subject to his debts, in the following manner:

1. **First by right of representation, etc.:** In equal shares to his children, and to the issue of any deceased child, by right of representation; and if there be no child of the intestate living, at his death, his estate shall descend to all his other lineal descendents: and if all the said descendents are in the same degree of kindred to the intestate, they shall share the estate equally, otherwise they shall take according to the right of representation;

2. **Second, in case of no issue, etc.; the provisions for widow shall be in lieu of dower unless, etc.:** If the intestate shall leave a husband or widow and no issue, one-half of the estate of such intestate shall descend to such husband or widow and the remainder to the father and mother of the intestate in equal shares; and if there be but one of the parents living, then to the survivor alone; and if the intestate shall leave no issue, husband or widow, his or her estate shall descend to the father and mother in equal shares, and if there be but one of the parents living, then to the survivor alone; and if the intestate shall leave no issue, father or mother his or her estate shall descend subject to the provision herein made for the widow or husband, if a widow or husband survive the deceased, in equal shares to his or her brothers and sisters and the children of deceased brothers and sisters by right of representation. The provision herein made for the widow shall be in lieu of dower, unless she shall within one year after the appointment of an administrator of the estate of the intestate begin proceedings for the assignment to her of dower in the intestate's estate, in which case her interest in such real estate shall be limited to her dower therein, and the residue of such estate shall then descend as herein provided for the portion therof not taken by such widow;

3. **Third, estate shall descend to next of kin in certain cases:** If the intestate shall leave no issue, husband, widow, father, mother, brother sister nor children of brother or sister, his estate shall descend to his next of kin in equal degree, excepting that when there are two or more collateral kindred in equal degree but claiming through different ancestors, those who claim through the nearest ancestor shall be preferred to those claiming through an ancestor more remote: Provided, however,

4. **Fourth, in case of only one child and it dies:** If any person shall die leaving several children, or leaving one child and the issue of one or more other children, and such surviving child [shall] die under age, and not having been married, all the estate that came to the deceased child by inheritance from such deceased parent, which has not been lawfully disposed of, shall descend in equal shares to the other children of the same parent, and to the issue of such other children who shall have died, by right of representation;

5. **Fifth, in case the child dies under age:** If at the death of any such child, who shall die under age, and not having been married, all the other children of his or her said parent shall also be dead, and any of them shall have left issue, the estate that came to said child by inheritance from the said parent, which has not been lawfully disposed of, shall descend to all the issue of other children of the same parent; and if all the said issue are in the same degree of kindred to said child, they shall share the said estate equally, otherwise they shall take according to the right of representation;

6. **Sixth, in case the intestate leaves a husband:** If the intestate shall leave a husband or wife and no issue, nor other lineal descendants, nor father, mother, brother nor sister, and there be no children of brothers or sisters, the estate of such intestate shall descend to the husband or wife of such intestate, as the case may be;

7. **Seventh, in case the intestate leaves a wife:** If the intestate shall leave no wife, nor husband, nor kindred, his or her estate, as the case may be, shall escheat to the people of this state for the use of the primary school fund. [9064.]

Illegitimate children to inherit from mother: Every illegitimate child shall be considered as an heir of his mother, and shall inherit her estate, in like manner as if born in lawful wedlock; but shall not be allowed to claim, as representing his mother, any part of the estate of any of her kindred, either lineal or collateral. [9065.]

Estate of illegitimate child; to whom to descend: If any illegitimate child shall die intestate, without lawful issue, his estate shall descend to his mother; if she be dead, it shall descend to the relatives of the intestate on the part of the mother, as if the intestate had been legitimate. [9066.]

When child to be considered legitimate; proviso: When, after the birth of an illegitimate child, his parents shall intermarry, or without such marriage, if the father shall, by writing under his hand acknowledge

such child as his child, such child shall be considered legitimate for all intents and purposes: Provided, That such acknowledgment shall be executed and acknowledged in the same manner as may be by law provided for the execution and acknowledgment of deeds of real estate, and be recorded in the office of the judge of probate of the county in which such father is at the time a resident. [9067.]

Computation of degrees of kindred; half blood: The degrees of kindred shall be computed according to the rules of the civil law; and kindred of the half blood shall inherit equally with those of the whole blood in the same degree, unless the inheritance comes to the intestate by descent, devise, or gift of some one of his ancestors, in which case, all those who are not of the blood of such ancestor shall be excluded from such inheritance. [9068.]

Effect of advancement: Any estate, real or personal, that may have been given by the intestate in his lifetime, as an advancement to any child or other lineal descendant, shall be considered as a part of the estate of the intestate, so far as it regards the division and distribution thereof among his issue, and shall be taken by such child or other descendant towards his share of the estate of the intestate. [9069.]

When heir advanced, to be excluded from distribution: If the amount of such advancement shall exceed the share of the heir so advanced, he shall be excluded from any further portion, in the division and distribution of the estate, but he shall not be required to refund any part of such advancement, and if the amount so received shall be less than his share, he shall be entitled to as much more as will give him his full share of the estate of the deceased. [9070.]

Advancement; how estimated: If such advancement be made in real estate, the value thereof shall, for the purposes mentioned in the preceding section, be considered a part of the real estate to be divided; and if it be in personal estate, it shall be considered as part of the personal estate; and if in either case it shall exceed the share of real or of personal estate, respectively, that would have come to the heir so advanced, he shall not refund any part of it, but shall receive so much less out of the other part of the estate as will make his whole share equal to those of the other heirs who are in the same degree with him. [9071.]

When gifts, etc., to be deemed advancement: All gifts and grants shall be deemed to have been made in advancement, if they are expressed in the gift or grant to be made, or if charged in writing by the intestate as an advancement or acknowledged in writing as such by the child or other descendant. [9072.]

Value of advancement; how ascertained: If the value of the estate so advanced shall be expressed in the conveyance, or in the charge thereof made by the intestate, or in the acknowledgment of the party receiving it, it shall be considered as of that value, in the division and

distribution of the estate; otherwise, it shall be estimated according to its value when given, as nearly as the same can be ascertained. [9073.]

In case of death of heir advanced, amount to be allowed by representatives: If any child or other lineal descendant so advanced shall die before the intestate, leaving issue, the advancement shall be taken into consideration, in the division and distribution of the estate, and the amount thereof shall be allowed accordingly by the representatives of the heir so advanced, in like manner as if the advancement had been made directly to them. [9074.]

Construction of this chapter: Nothing in this chapter shall affect the title of a husband as tenant by the curtesy, nor that of a widow as tenant in dower, nor shall the same affect any limitation of an estate by deed or will. [9075.]

Inheritance, etc., by right of representation: Inheritance or succession, "by right of representation," takes place when the descendant of any deceased heir take the same share or right in the estate of another person that their parent would have taken if living. Posthumous children are considered as living at the death of their parents. [9076.]

Real estate to descend to adopted children: Whenever any person heretofore or hereafter adopted by any person or persons, with intent to make such person an heir at law of the person or persons, adopting the same, shall die intestate, leaving no issue, any real estate possessed by such person at the time of his or her decease, which has come to such person from or through such adopting parent or parents, shall descend to the persons and in the same manner as though such person had been the natural child of the person or persons from or through whom such estate shall have come as aforesaid. [9077.]

II. Sale of Lands to Pay Debts of Deceased.

When executor or administrator may sell real estate of deceased person; proviso as to interest of widow: When the personal estate of any deceased person in the hands of his executor or administrator shall be insufficient to pay all his debts with the charges of administering his estate, or whenever it shall be made to appear to the probate court that it is necessary for the preservation of the estate, or to prevent a sacrifice thereof, or for the best interest of all concerned therein, his executor or administrator may sell his real estate for that purpose upon obtaining a license therefor, and proceeding therein in the manner hereinafter provided: Provided, however, That the widow, in case any there be, shall not be entitled to a greater interest in the estate than she would have received had such real estate been distributed instead of being sold. [9078.]

Petition to be presented; what to be set forth: In order to obtain such license, the executor or administrator shall present a petition to the probate court from which he received his appointment, setting

forth the amount of personal estate that has come to his hands, and how much thereof, if any, remains undisposed of; the debts outstanding against the deceased, as far as the same can be ascertained; a description of all the real estate of which the testator or intestate died seized, and the condition and value of the respective portions or lots; which petition shall be verified by the oath of the party presenting the same. [9079.]

Proceedings when personal estate is insufficient to pay debts; duty of judge of probate: If it shall appear by such petition that there is not sufficient personal estate in the hands of the executor or administrator to pay the debts outstanding against the deceased, and the expense of administration, and that it is necessary to sell the whole or some portion of the real estate for the payment of such debts, the judge of probate shall thereupon make an order directing all persons interested in the estate to appear before him at a time and place therein to be specified, not less than three weeks and not more than eight weeks from the time of making such order, to show cause why a license should not be granted to the executor or administrator applying therefor, to sell so much of the real estate of the deceased as shall be necessary to pay such debts. [9080.]

II. Distribution of Personal Property.

Application and distribution of estates. When any person shall die possessed of any personal estate, or of any right or interest therein not lawfully disposed of by his last will, the same shall be applied and distributed as follows:

1. **Widows:** The widow, if any, shall be allowed all her articles of apparel and ornaments, and all wearing apparel and ornaments of the deceased, and the household furniture of the deceased, and other personal property, to be selected by her, not exceeding in value two hundred dollars, and the allowance shall be made as well when the widow waives the provision made for her in the will of her husband as when he dies intestate.

2. **Family during settlement of estate:** The widow and children constituting the family of the deceased shall have such reasonable allowance out of the personal estate and the income of the real estate as the probate court shall judge necessary for their maintenance during the progress of the settlement of the estate, according to their circumstances, which, in case of an insolvent estate, shall not be longer than one year after granting administration nor for any time after the dower and personal estate shall be assigned to the widow.

3. **Children under ten years without mother:** When a person shall die leaving children under ten years of age, having no mother, or when the mother shall die before the children shall have arrived at the age of ten years, an allowance shall be made for the necessary maintenance of such children until they shall arrive at the

age of ten years, out of such part of the personal estate and the income of the real estate as would have been assigned to the mother if she had been living.

4. **Widow, and children under ten:** If, on the return of the inventory of any intestate estate, it shall appear that the value of the whole estate does not exceed the sum of one hundred fifty dollars over and above the allowance above provided, the probate court may, by a decree for that purpose, assign for the use and support of the widow and children of such intestate, or for the support of the children under ten years of age if there be no widow, the whole of such estate, after the payment of the funeral charges and expenses of administration.

5. **Payment of debts, etc.:** If the personal estate shall amount to more than one hundred fifty dollars, and more than the allowance mentioned in the preceding subdivision of this section, the same shall be applied to the payment of the debts of the deceased, with the charges of his funeral and of settling his estate.

6. **Distribution of residue of:** The residue, if any, of the personal estate shall be distributed as follows: One-third thereof to the widow of the deceased, and the remaining two-thirds to his children, or the issue of any deceased child or children, if any there be, by right of representation, except that if there be but one child, or the issue of such child living, then to the widow one-half of such residue and to such child, or the issue thereof, the other half, and if there be no widow nor child of the intestate living at his death, his estate shall be distributed to all his lineal descendants, and if all such descendants are in the same degree of kindred to the intestate, they shall share the estate equally, otherwise they shall take by right of representation. In case the deceased shall leave a widow and no children, or the issue of any deceased child him surviving, then such residue, if it shall not exceed the sum of three thousand dollars, shall go to such widow, and if it exceed the sum of three thousand dollars such excess shall be distributed, one-half to such widow and the other half to the father and mother of the deceased, if living, in equal shares; if either parent be deceased, such share shall go to the survivor, and if both parents be deceased, such share shall be distributed equally to the brothers and sisters and the children of any deceased brother or sister by right of representation. And if there shall be neither father nor mother, nor brother nor sister, nor children of such brother or sister surviving, then such residue shall go to the widow. In any other case the residue, if any, of the personal estate shall be distributed in the same proportion and to the same persons, and for the same purpose, as prescribed for the descent and disposition of the real estate.

7. **Feme covert; distribution of estate:** In case any *Feme covert* shall die possessed of any personal estate, her sole property, or any right or interest therein, not lawfully disposed by her last will and testament, the same shall, after the debts of the deceased, funeral charges and expenses of

administration are paid, be distributed as follows: One-third to the husband, and the remaining two-thirds to her children, or the issue of any deceased child or children if any there be, by right of representation, except that if there be but one child, or the issue of a deceased child her surviving, then such residue shall be divided between such husband and such child, or the issue of such deceased child, as aforesaid, in equal proportions, and if there be no husband nor child of the intestate living at her death, her estate shall be distributed to all her lineal descendants, and if all said descendants are in the same degree of kindred to the intestate, they shall share the estate equally, otherwise they shall take by right of representation. If there shall be no child, or issue of any deceased child her surviving, one-half of said residue shall go to the husband of the deceased and the other half to her father and mother, if living, in equal shares. If either parent be deceased such share shall go to the survivor, and if both parents be deceased, such share shall be distributed equally to the brothers and sisters and the children of any deceased brother or sister, by right of representation; and if there shall be neither father nor mother, nor brother nor sister, nor children of such brother or sister surviving, then such residue shall go to the surviving husband; in any other case the residue, if any, of the personal estate shall be distributed in the same proportion and to the same persons, and for the same purposes as prescribed for the descent and disposition of the real estate. [9322.]

What probate court to have jurisdiction: When any person shall die intestate, being an inhabitant of this state, letters of administration of his estate shall be granted by the probate court of the county of which he was an inhabitant or resident, at the time of his death; if such deceased person, at the time of his death, reside in any other state or country, leaving estate to be administered in this state, administration thereof shall be granted by the probate court of any county in which there shall be estate to be administered; and the administration first legally granted shall extend to all the estate of the deceased in this state, and shall exclude the jurisdiction of the probate court of every other county. [9323.]

IV. Who entitled to administered estate.

Who entitled to letters of administration: Administration of the estate of a person dying intestate shall be granted to some one or more of the persons hereinafter mentioned, and they shall be respectively entitled to the same in the following order:

First, The widow, husband or next of kin, or a grantee of the interest of one or more of them, or such of them as the judge of probate may think proper, or such person or persons as the widow, husband, next of kin or grantee may request to have appointed, if suitable and competent to discharge the trust;

Second, If the widow, husband, next of kin or grantee, or the person selected by them shall be unsuitable or incompetent, or if the widow, husband, next of kin or grantee shall neglect for thirty days after the death of the intestate to apply for administration, or to request that administration be granted to some other person, the same may be granted to one or more of the principal creditors, if any such are competent and willing to take it.

Third, If there be no such creditor competent and willing to take administration, the same may be committed to such other person or persons as the judge of probate may think proper. [9324.]

CHAPTER 7.

Dower and Curtesy.

I. Dower.

Widow entitled to dower: The widow of every deceased person shall be entitled to dower, or the use, during her natural life of one-third part of all the lands whereof her husband was seized of an estate of inheritance, at any time during the marriage, unless she is lawfully barred thereof. [8918.]

Dower in case of exchange of land by husband: If a husband seized of an estate of inheritance in lands exchange them for other lands, his widow shall not have dower of both, but shall make her election to be endowed of the lands given, or of those taken in exchange; and if such election be not evinced by the commencement of proceedings to recover her dower of the lands given in exchange, within one year after the death of her husband, she shall be deemed to have elected to take her dower of the lands received in exchange. [8919.]

Mortgaged land: When a person seized of an estate of inheritance in lands shall have executed a mortgage of such real estate before marriage, his widow shall be entitled to dower out of the lands mortgaged, as against every person except the mortgagee, and those claiming under him. [8920.]

Mortgage to secure purchase money: When a husband shall purchase lands during coverture, and shall at the same time mortgage his estate in such lands to secure the payment of the purchase money, his widow shall not be entitled to dower out of such lands, as against the mortgagee, or those claiming under him, although she shall not have united in such mortgage, but she shall be entitled to her dower as against all other persons. [8921.]

When widow entitled to interest after sale on mortgage: Where, in either of the cases mentioned in the two last preceding sections, or in case of a mortgage in which she shall have joined with her husband, the mortgagee, or those claiming under him, shall, after the death of the husband, cause the mortgaged premises to be sold by virtue of such mortgage, and any surplus shall remain after payment of the moneys due thereon, and the costs and charges of the sale, such widow shall be entitled to the interest or income of one-third part of such surplus, for her life, as dower. [8922.]

When widow entitled to residue after deducting amount paid on mortgage: If, in either of the cases above specified, the heir, or other

person claiming under the husband, shall pay and satisfy the mortgage, the amount so paid shall be deducted from the value of the land, and the widow shall have set out to her, for her dower in the mortgaged lands, the value of one-third of the residue after such deduction. [8923.]

Dower in lands aliened by husband; how estimated: When a widow shall be entitled to dower out of any lands which shall have been aliened by the husband in his lifetime, and such lands shall have been enhanced in value after the alienation, such lands shall be estimated, in setting out the widow's dower, according to their value at the time when they were so aliened. [8924.]

When dower may be assigned by probate court: When a widow is entitled to dower in lands of which her husband died seized, and her right to dower is not disputed by the heirs or devisees, or any person claiming under them, or either of them, it may be assigned to her, in whatever counties the lands may lie, by the judge of probate for the county in which the estate of the husband is settled, upon application of the widow or any person interested in the lands; notice of which application shall be given to such heirs, devisees or other persons, in such manner as the judge of probate shall direct. [8925.]

Warrant for assignment of dower: For the purpose of assigning such dower, the judge of probate shall issue his warrant to three discreet and disinterested persons, authorizing and requiring them to set off the dower by metes and bounds, when it can be done without injury to the whole estate. [8926.]

Commissioners to be sworn etc.; recording assignment; costs: The commissioners shall be sworn before a judge or justice of the peace to the faithful discharge of their duties, and shall, as soon as may be, set off the dower according to the command of such warrant, and make return of their doings, with an account of their charges and expenses, in writing, to the probate court; and the same being accepted and recorded, and an attested copy thereof recorded in the office of the register of deeds of the county where the lands are situated, the dower shall remain fixed and certain, unless such confirmation be set aside or reversed on appeal; and one-half of the cost of such proceedings shall be paid by the widow, and the other half by the adverse party. [8927.]

When estate consists of mill, etc., how dower assigned: When the estate out of which dower is to be assigned, consists of a mill, or other tenement which cannot be divided without damage to the whole, and in all cases where the estate cannot be divided by metes and bounds, the dower may be assigned of the rents, issues and profits thereof, to be had and received by the widow as a tenant in common with the other owners of the estate. [8928.]

When widow may occupy with heirs: When a widow is entitled to dower in the lands of which her husband died seized, she may continue to occupy the same with the children or other heirs of the

deceased, or may receive one-third part of the rents, issues and profits thereof so long as the heirs or others interested do not object, without having the dower assigned. [8929.]

How dower may be barred: A married woman residing within this state may bar her right of dower in any estate conveyed by her husband or by his guardian, if he be under guardianship, by joining in the deed of conveyance and acknowledging the same as prescribed in the preceding chapter, or by joining with her husband in a subsequent deed, acknowledged in like manner; or by deed executed by the wife alone to one who has theretofore acquired and then holds the husband's title, provided the intent to bar her right of dower shall be expressed in said deed. [8930.]

Same subject: A woman may also be barred of her dower in all the lands of her husband, by a jointure settled on her with her assent before the marriage, provided such jointure consists of a freehold estate in lands for the life of the wife at least, to take effect in possession or profit immediately on the death of her husband. [8931.]

Same subject: Such assent shall be expressed, if the woman be of full age, by her becoming a party to the conveyance by which it is settled, and if she be under age, by her joining with her father or guardian in such conveyance. [8932.]

Same subject: Any pecuniary provision that shall be made for the benefit of an intended wife, and in lieu of dower, shall, if assented to, as provided in the preceding section, bar her right of dower in all the lands of her husband. [8933.]

Election in case of jointure: If any such jointure or pecuniary provisions be made before marriage, and without the assent of the intended wife, or if it be made after marriage, she shall make her election after the death of her husband, whether she will take such jointure or pecuniary provisions, or be endowed of the lands of her husband; but she shall not be entitled to both. [8934.]

Election in case of provision by will: If any lands be devised to a woman, or other provision be made for her in the will of her husband, she shall make her election whether she will take the lands so devised, or the provision so made, or whether she will be endowed of the lands of her husband; but she shall not be entitled to both, unless it plainly appears by the will to have been so intended by the testator. [8935.]

When widow deemed to have elected, to take jointure, etc: When a widow shall be entitled to an election under either of the two last preceding sections, she shall be deemed to have elected to take such jointure, devise or other provision, unless, within one year after the death of her husband, she shall commence proceedings for the assignment or recovery of her dower. [8936.]

When widow to be endowed anew: If a woman is lawfully evicted of lands assigned to her as dower, or settled upon her as jointure, or is deprived of the provision made for her by will or otherwise, in

lieu of dower, she may be endowed anew, in like manner as if such assignment, jointure, or other provision, had not been made. [8937.]

Woman being an alien, or residing out of state, to have dower: A woman being an alien, shall not on that account be barred of her dower, and any woman residing out of the state shall be entitled to dower of the lands of her deceased husband, lying in this state, of which her husband died seized, and the same may be assigned to her, or recovered by her, in like manner as if she and her deceased husband had been residents within the state at the time of his death. [8938.]

Woman not to commit waste; to keep houses, etc., in repair: No woman, who shall be endowed of any lands, shall commit or suffer any waste on the same; but every woman so endowed shall maintain the houses and tenements, with the fences and appurtenances in good repair, and shall be liable to the person having the next immediate estate of inheritance therein for all damages occasioned by any waste committed or suffered by her. [8939.]

How long widow may remain in dwelling house and have sustenance: A widow may remain in the dwelling house of her husband one year after his death, without being chargeable with rent therefor, and shall have her reasonable sustenance out of his estate for one year. [8940.]

When to recover damages: Whenever, in any action brought for the purpose, a window shall recover her dower in lands of which her husband shall have died seized, she shall be entitled also to recover damages for the withholding of such dower. [8941.]

Measure of damages, etc.: Such damages shall be one-third part of the annual value of the mesne profits of the lands in which she shall so recover her dower, to be estimated in a suit against the heirs of her husband, from the time of his death; and in suits against other persons from the time of her demanding her dower of such persons. [8942.]

Not on improvements: Such damages shall not be estimated for the use of any permanent improvements made after the death of her husband by his heirs, or by any other person claiming title to such lands. [8943.]

Damages against heir alienating land, etc: When a widow shall recover her dower in any lands alienated by the heir of her husband, she shall be entitled to recover of such heir, in an action on the case, her damages for withholding such dower, from the time of the death of her husband to the time of the alienation by the heir, not exceeding six years in the whole; and the amount which she shall be entitled to recover from such heir, shall be deducted from the amount she would otherwise be entitled to recover from such grantee, and any amount recovered as damages from such grantee, shall be deducted from the sum she would otherwise be entitled to recover from such heir. [8944.]

Claim, when barred by assignment of dower: When the widow shall have accepted an assignment of dower, in satisfaction of her claim upon all the lands of her husband, it shall be a bar to any further claim of dower against the heir of such husband, or any grantee of such heir, or any grantee of such husband, unless such widow shall have been lawfully evicted of the lands so assigned to her as aforesaid. [8945.]

Collusive recovery not to prejudice infant heirs, etc.: When a widow not having right to dower, shall, during the infancy of the heirs of the husband, or any of them, or of any person entitled to the lands, recover dower by the default or collusion of the guardian of such infant heir or other person, such heir or other person so entitled shall not be prejudiced thereby, but when he comes of full age, he shall have an action against such widow, to recover the lands so wrongfully awarded for dower. [8946.]

Note: Sections 8947 to 8952 inclusive, provide for bar of dower in insane, imbecile or idiotic women.

When money may be awarded in lieu of dower: In any suit hereafter to be commenced by any widow for the recovery of dower in lands, which were aliened by her husband in his lifetime, and where dower cannot be assigned therein by metes and bounds without injustice or manifest injury to the widow, or to the owner or owners, or person or persons in possession thereof, or some one of them, the court having cognizance of the matter may award and adjudge a sum of money in lieu of dower to be paid to the widow, or may assign to her, as tenant in common, a just proportion of the rents, issues and profits of said lands, regard being had in all cases to the true value of the lands at the time of such alienation by the husband, and of the probable duration of the life of the doweress, at the time such sum of money shall be adjudged, or such rents, issues and profits shall be assigned to her. [8953.]

When dower claimed by two or more widows, who first entitled: Where dower in any lands may be claimed by two or more widows, the one whose husband was first seized therein shall be first entitled thereto; and in all cases where dower in any land shall have been assigned, or where it shall appear that the owner or owners, or person or persons having an interest therein, shall have made full satisfaction to, and has obtained a discharge from the person recovering or having a prior right to dower therein, by reason of the prior seizen of her husband, the said land shall not be subject to any other claim for dower during the lifetime of the person so recovering, or who has received satisfaction and given a discharge as aforesaid. [8954.]

II. Curtesy.

When husband to hold as tenant by the curtesy: When any man and his wife shall be seized in her right of any estate of inheritance in lands, the husband shall, on the death of his wife, hold the lands for his life, as tenant thereof by the curtesy: Provided, That if the wife, at her death, shall leave issue by any former husband, to whom the estate might descend, such issue shall take the same, discharged from the right of the surviving husband to hold the same as tenant by the curtesy. [1895.]

CHAPTER 8.

Drainage.

(Ditch Laws.)

I. Drains, generally.
II. Locating drain and application therefor.
III. Construction of drains.
IV. Assessment of cost of construction.
V. Levy and collection of drain taxes.
VI. Drains traversing more than one county.
VII. Drainage of state swamp lands.
VIII. Cleaning, deepening and widening drain.
IX. Vacation of drain.
X. Miscellaneous.

Establishment and cleaning out of drains and water courses: Drains may be located, established, constructed and maintained, and drains and water courses may be cleaned out, straightened, widened, deepened and extended, whenever the same shall be conducive to the public health, convenience or welfare. [4308.]

Meaning of word "drain": The word "drain" whenever used in this act shall be deemed to include any water course or ditch, opened or proposed to be opened and improved for the purpose of drainage, and any artificial ditch or drain, levee, dyke or barrier, or tile drain proposed or constructed for such purpose. [4309.]

NOTE: Sections 4310 to 4318 inclusive, relate to appointment of drain commissioner and his duties.

II. Locating Drain and Application Therefor.

Locating, extending, straightening, deepening, or widening drain; application; proceedings, cost, etc.: Before the commissioner takes any action toward locating, establishing or extending any drain, there shall be filed with him an application signed by not less than one-third of the freeholders whose lands are traversed by said drain. The eligibility of the signers to such application shall be determined by their interest of record, either in the office of the register of deeds, in the probate court or in the circuit court or circuit court in chancery of the county in which such lands are situated, at the time such petition is filed. It shall only be necessary that such application be signed by one-third of the freeholders whose lands are traversed by said drain. Such applicants shall be jointly and severally liable for all costs and expenses in case the county drain commissioner upon examination or upon examina-

tion and survey shall determine that the same is unnecessary or impracticable or in case the proceedings shall be dismissed for other cause. If the persons signing such application shall refuse to pay such costs and expenses the county drain commissioner shall bring suit in a court of competent jurisdiction, and collect such costs and expenses with costs of suits. If, upon the presentation of such application, the county drain commissioner shall deem the financial responsibility of the applicants insufficient, he shall have the right to return such application for additional signatures. [4319, as amended by Public Act No. 320 approved June 2, 1909.]

Route for proposed drain: Upon the filing of such application, the county drain commissioner authorized to act thereon shall as soon as practicable thereafter notify the township clerk or clerks of the township or townships through which the proposed drain passes of the filing of such petition, giving a copy or copies thereof. Upon the receipt of such notice or notices it shall be the duty of the clerk or clerks so notified to call a meeting or joint meeting of the township board or boards, as the case may be, giving notice of the time and place of such meeting and causing a notice of such meeting to be published for not less than one week in a newspaper published and in general circulation in the county. At the time and place fixed in said notice the township board or boards shall meet, and if more than one township be affected, then the board shall meet in joint session to determine the necessity of said drain and whether the same is necessary and conducive to public health, convenience and welfare. At such meeting all persons owning lands liable to assessments for benefits, or whose lands would be crossed by said drain, may appear for or against said drain proceedings. After hearing the evidence so offered as herein provided by all persons appearing for or against the drain proceeding, the board or boards, as the case may be, shall make their determination upon the necessity of said drain and whether the same is necessary and conducive to public health, convenience and welfare. If the board or boards shall find by a majority vote that the said drain is not necessary or conducive to the public health, convenience and welfare, they shall dismiss the petition and no further petition for said drain shall be legal if made within one year after such determination. If said board or boards by a majority vote shall find said drain so proposed to be necessary and conducive to the public health, convenience and welfare, they shall make their order to that effect and file the same with the said county drain commissioner. * * * Said commissioner shall, as a means of determining the practicability thereof, make a survey and measurement of the line of the proposed drain, or cause the same to be made by a competent surveyor. If upon such survey he shall find such drain to be practicable he shall within ninety days make his first order of determination in writing in accordance therewith, therein particularly naming such drain, by which it shall thereafter be known, and shall establish the commencement, route and terminus of such drain, and the width, length and depth thereof, and shall set survey or grade stakes not more than eight rods apart. For

such purposes he shall have the right to enter upon any such lands traversed by the route of the proposed drain or otherwise connected with the purpose of the proceeding. In locating such drain the county drain commissioner shall not be limited or confined to the precise starting point, route or terminus set forth in the application. The record or minutes of the survey shall show the line and route of the drain, the point where the line of the drain crosses the boundary lines of each owner's land and the length thereof upon his land and the width of surface excavation that will be required in its construction, and shall also show by words or letters and figures the width of ground that will be required for the disposition of earth, and every release of right of way shall be deemed to include the extreme with thus shown. [Section 4320 as amended by Public Act No. 118 approved May 19, 1909.]

Owners may contract to construct drain: If at any time after the county drain commissioner has issued his first order establishing such drain and before the letting of any contract for constructing the same all the owners of the lands through which, or for the benefit of which such drain is located, shall, by themselves, their agents or attorneys, pay to the county drain commissioner all the costs and expenses thus far incurred by him, and shall severally or jointly enter into a contract, with good and sufficient sureties and in such sum as the county drain commissioner may require, to construct so much of such drain, and on such route, and of such dimensions as the said commissioner may, in such contract, determine, and to pay all expenses necessary to be incurred in the construction of the same, then the county drain commissioner may so contract with such owner or owners, and such drain, when so finished and accepted, shall be certified by the county drain commissioner as a drain lawfully constructed in pursuance of the provisions of this act, and shall be recorded in the same manner as other drains. If any of such contracts are not fulfilled by the time limited therein, the county drain commissioner shall contract with other parties for the completion of the work, and the parties so in default, and their sureties, shall be liable for all costs and expenses attending such default. [4321.]

Condemnation proceedings: If within twenty days after the making of such first order of determination, all the persons through whose lands the proposed drain is to pass shall not have executed a release of the right of way, and all damages on account thereof, the county drain commissioner shall, as soon as practicable, make application to the probate court of the county in which such lands are situated, for the appointment of three disinterested special commissioners, who shall be resident freeholders of the county, but not of the township or townships traversed by such drain, to determine the necessity therefor, and for the taking of private property for the use and benefit of the public, for the purpose thereof, and the just compensation to be made therefor. * * * * * [4322.]

NOTE: The balance of Section 4322 and all sections to and including Section 4332 relate to condemnation proceedings in probate court when owner of land refuses to execute a release of the right of way for drain.

Sections 4334 and 4335 relate to drain running across roadbed of railroad.

Proceedings when drains to be laid in highway: Drains may be laid along and within the limits of or across any public highway: Provided, That when it is proposed to construct a drain in whole or in part along a public highway, the owners of the land abutting on the side of the highway along which such drain is proposed to be laid, shall be considered as still owning the fee of such land, and it shall be necessary for the county drain commissioner to obtain from them severally a release of their rights to so much of said highway as is necessary and proposed to be taken for the right of way of said drain, and for all damages on account thereof. In case such release is not executed within the time prescribed in section four of chapter three, such release shall be obtained in the same manner as is provided in this act for obtaining private lands. [4336.]

How cost of certain bridges to be charged: When any drain crosses a highway, the cost of constructing the necessary bridge or culvert shall be charged in the first instance as part of the cost of construction of such drain, after which such bridge or culvert shall be maintained as part of the highway. When a drain passes along a highway, there shall be constructed at least one bridge or passageway across such drain connecting the highway with each enclosed field and with each farm entrance, which bridge or passageway shall also be charged in the first instance as a part of the construction of such drain, after which such bridge or passageway shall be maintained by the owner of the land. [4337.]

Blind drains; when open drains may be tiled and covered: The county drain commissioner may order the construction of blind drains by the use of drain tiles or sewer pipe, when the nature of the ground will admit threof. When any such blind drain is to be constructed across any land, so that the surface of the land can be restored, the special commissioners in making their award of damages shall take that fact into account. Any person through whose land an open drain has been constructed, may make a written request to the county drain commissioner to be permitted to tile and cover with earth the whole, or any part thereof, that may traverse his land, and the county drain commissioner may grant such request, but in doing so he shall prescribe the size of the tile to be used. When blind drains are constructed the entrance thereto shall be substantially protected from drift wood and debris. [4338.]

When drains may be laid into any lake, etc.: Drains may be laid or extended into or along or from any lake or other body of water surrounded wholly or in part by a swamp, marsh or other low lands for the general purpose of drainage contemplated by this act but not so as to impair the navigation of any navigable water. [4339.]

III. Construction of Drains.

Order establishing and maintaining drains: Upon the release of right of way and damages or upon the determination and return of the special commissioners, or order of the probate court, as the case may be, the county drain commissioner shall make his final order of determina-

tion establishing the drain, a certified copy of which order of determination shall be filed with the county clerk within five days after such order is made. He shall include in such order a description of the several tracts or parcels of land to be assessed for benefits in the construction of such drain, which said tracts or parcels shall constitute the special assessment district for that purpose, to be known and designated in such order by the name of the drain. He shall thereupon, without delay, proceed to divide the route thereof into convenient sections for the letting of the work, and shall mark the depth of cutting on each grade stake, from stake to stake, along the whole length of such drain. He shall also mark on each section stake the number of each section of division from the lower end of said drain, and the length in feet or rods which each section contains, and shall make a diagram corresponding with the divisions so made, and shall file the same with the other papers in his office pertaining to said drain. He shall give not less than ten days' notice of the time and place of letting, by serving personal notice on every person whose lands are affected by such assessment and who resides in the township or townships traversed by said drain, which notice shall be served in the same manner as provided in section six of chapter three for the personal service of citations, and by posting said notice in five public places in each township traversed by said drain, and by causing a notice thereof to be published, not less than two insertions, in one or more weekly newspapers published and of general circulation in the county. Such notice shall contain a description of the several tracts or parcels of lands constituting the special assessment district of such drain, as above provided, and it shall also state that at the time and place of such letting, or at such other time and place thereafter to which the county drain commissioner may adjourn the same, the assessments for benefits and the lands comprised within the special assessment district shall be subject to review for at least one day; such review shall be held open from nine o'clock in the forenoon until five o'clock in the afternoon. On such reviews the supervisor or commissioner of highways of any township may appear on behalf of such township. At such review the county drain commissioner shall hear the proofs and allegations of all parties in interest, and shall carefully reconsider and review the descriptions of land comprised within the special assessment district the several descriptions assessed and his assessments of benefits, and define and equalize the same as may seem just and equitable. [4340.]

Who to determine when tax to be raised: At the time and place of letting and before receiving any bids, the county drain commissioner shall have the right, and it shall be his duty to determine whether the whole of the per cent. of taxes to be spread for benefits to lands in the construction of such drain shall be assessed and collected in that same year, or whether the same shall be divided into two or more equal installments, one installment to be collected in that same year, and the other installment or installments within three years next following. Such determination, however, shall be made then and there, and shall be publicly announced for the information of bidders; and the county drain

commissioner shall also then and there announce for the information of bidders the per cent. of tax to be assessed against any township or townships, and whether in his opinion it will be necessary to divide the amount thereof into installments as hereinafter directed: *Provided,* That the per cent. of tax determined by the county drain commissioner to be assessed against townships in all cases where the amount thereof shall not exceed a sum equal to one-half of one per cent. of the total assessed valuation of such township, shall be spread in the first year; and in case said amount shall exceed a sum equal to one-half of one per cent. of the total assessed valuation of such township then the same shall be divided into installments, so that not more than one-half of one per cent. of the total assessed valuation of such township shall be spread in the first year and a like sum shall be spread in each and every year thereafter until the amount of such total tax is spread. [4341.]

To receive bids and let contracts; security; how sections let; may reject bids and adjourn letting; who preferred in awarding contracts; to notify county surveyor; who and when to certify that drain is completed; when certificate filed; excavation, how left; proviso; further proviso: The county drain commissioner shall thereupon proceed to receive bids and let contracts for the construction of the sections, and make contracts with the lowest responsible bidder giving adequate security for the performance of the work. Such security shall cover the completion of the job in the manner and within the time fixed in the contract, and shall be in a sum to be fixed and determined by the county drain commission. He shall first let the section at the outlet of the drain, and shall let each remaining section in its order up stream. The county drain commissioner shall reserve the right to reject any and all bids, and may adjourn such letting in the whole or in part, from time to time to such other time or place, to be by him at the time of such adjournment publicly announced, as shall to him seem proper, but not in all more than forty days from and after the time of letting first advertised. The parties who are assessed a tax for benefits in the construction of such drain, and who may be bidders for the contracts thereon, shall if equal bidders with other parties, be preferred in awarding such contracts. And it shall be the duty of the said drain commissioner, after having been requested in writing by two or more persons whose lands are liable to be assessed for benefits on such drain to notify the county surveyor, or other competent surveyor, of the completion of said drain, and the surveyor shall proceed with the drain commissioner to examine the same. If the county drain commissioner and surveyor, in case the survey was requested as above, are satisfied with the manner in which said work is done, the surveyor or county drain commissioner, as the case may be, shall certify in writing that the drain is completed in accordance with the original grade and specifications, which certificate shall be filed with the county drain commissioner and become a part of the records of said drain; and it shall not be lawful for the county drain commissioner to issue orders on the fund of any drain exceeding two-thirds of the amount earned on any contract, until after acceptance of

said work by the county drain commissioner, and the said certificate of the surveyor or the drain commissioner is filed by the said county drain commissioner. In case of any open drain, the dirt excavated therefrom shall be placed as near as may be equal on each side and not less than three feet from the edges of said drain and shall not be left in piles more than four feet high except where the drain runs along a highway: *Provided,* That the owner of said lands may by written consent allow the dirt taken from said drain to be otherwise disposed of: *Provided further,* That it shall not be necessary for said drain commissioner to notify the surveyor for his examination of said drain unless the entire cost of construction shall exceed one hundred dollars, nor in case of tile drain. [4342.]

Time may be extended; forfeited contracts; reletting of; added costs, etc., to be collected; proviso as to giving notice to contractor before declaring contract forfeited: The commissioner shall have power to grant a reasonable extension of time for the completion of any contract. When any contract shall not be finished within the time specified, or to which it may be extended, the county drain commissioner shall declare such contract forfeited, and shall, within a reasonable time thereafter, relet the unfinished portion thereof to the lowest responsible bidder, by public letting, after not less than five days' notice thereof, by posting only, as provided for the letting in the first instance, or by private letting when such can be done at a price per rod for the uncompleted portion thereof not exceeding the price per rod at which the job was first let; and he shall make contract and take security in each case as hereinbefore provided. The cost of completing such part over and above the contract price, if any, and the expense of notice and reletting shall be collected by the county drain commissioner of the parties first contracting or of their bondsman, which moneys, when so collected, shall be deposited with the county treasurer, and placed to the credit of such drain: Provided, That in no case shall the county drain commissioner declare any such contract forfeited without first giving five days' notice thereof to the contractor, if he can be found, and if not found then by a written notice left at his last place of residence, with some person of suitable age and discretion, who shall be informed of its contents, if such contractor have a known residence within the county. [4343.]

IV. Assessment of Cost of Construction.

Apportionment of cost of construction of drain; apportionment of benefits: The county drain commissioner shall apportion the per cent. of the cost of construction of such drain which any township traversed or benefited thereby shall be liable to pay by reason of the benefit to the public health, convenience or welfare, or as the means of improving any highway. Provided, That for these purposes there shall not be spread upon the tax rolls of any township or townships through which the drain may pass more than twenty-five per cent of the entire cost of said drain, unless the township highway commissioner shall, before such apportionment is made, certify in writing to such drain commis-

sioner that, as a means of improving any highway within the township, it is necessary that more than twenty-five per cent of the entire cost be assessed to such township, in which case the county drain commissioner shall determine the percentage of the entire cost to be assessed to such township. And he shall also apportion the per cent of benefits to accrue to any piece or parcel of land or right of way of any railway or railroad company, telegraph or telephone company, by reason of the construction of such drain, over and above the per cent assessed against such township as aforesaid, which per cent of benefits shall be apportioned upon and assessed against the lands and rights of way benefited according to such assessment of benefits and which apportionments he shall announce at the time and place of letting, as provided in chapter four. Such assessment of per cent for benefits shall thereupon be subject to review and correction, and may be appealed from in the manner hereinafter provided. [4344 as amended by Public Acts Nos. 48 and 320 passed in 1909.]

Appeal from assessment: The owner of any land assessed may appeal if he feel aggrieved by the assessment made against him, and may make an application to the probate court for a board of review. [4345.]

County drain commissioner to be notified of appeal; board of review: how appointed; time and place of meeting; review of assessment: The probate court upon receipt of any such application, as hereinbefore provided for, shall forthwith notify the county drain commissioner in writing of such appeal and shall thereupon make an order appointing three disinterested and competent freeholders of such county not residents of the township or townships affected by said drain as members of a board of review. The persons so appointed, shall constitute the board of review. The court shall thereupon, with the concurrence of the county drain commissioner, immediately fix a time and place when and where said board of review shall meet to review said assessments, which time shall not be less than ten nor more than fifteen days from the date of filing such appeal. The county drain commissioner shall thereupon give notice to the persons so appointed of their appointment, and of the time and place of meeting, and shall give notice of such meeting by posting notices in at least five public places in each township affected by such assessment, and shall serve a like notice upon the appellant if he be a resident of any township affected and upon the prosecuting attorney of the county in all cases where the State is an interested party. Such service shall be made not less than five days before the day of hearing and may be made either by personal service or by causing a copy thereof to be left at their several places of residence. Proof of service of notice of appeal shall be made by the person serving said notice and be filed in the office of the judge of probate. At such hearing the board of review shall have the right and it shall be their duty to review all assessments made by the county drain commissioner on such drain. * * * [4346.]

Duty of board of review; when to add lands to assessing district: The board of review shall proceed at the time and place specified in the notice to hear the proofs and allegations of all parties in respect to the

matter of appeal and shall thereupon proceed to view the lands benefited by such drain and review all the assessments made by the county drain commissioner on such drain, and if in their judgment there be manifest error or inequality in such assessments, they shall order and make such changes therein as they may deem just and equitable. Should the board of review find upon personal examination that there are lands liable to be assessed for the construction of said drain that are not included in the assessing district made by the drain commissioner, they shall add such lands to the assessing district of said drain and shall adjourn such review to such other time or place to be by them at the time of such adjournment publicly announced, as shall to them seem proper, but not in all more than twenty days from and after the time of review first advertised and shall serve a notice on all such owners of lands living in the township; such notice shall give the time and place of said review, also the description of lands added to said assessing district and shall be served at least ten days before the adjourned day of review. Should such owners of land liable to an assessment be non-residents of said township, there shall be a personal notice served on said owners as required above or a notice shall be published in some weekly newspaper published in said county at least two insertions, giving the description or descriptions of lands added to said assessment district; also giving the time and place where said board of review shall meet. The action and decision of said board shall be final. The action and decision shall be reduced to writing and signed by a majority [of] the board making the same, and shall be delivered to the county drain commissioner together with all other papers relating thereto. [4348.]

Who to pay costs: In case the assessment of the county drain commissioner shall be sustained by (such board of review), the appellant shall pay the whole costs and expenses of such appeal. Such costs and expenses shall be ascertained and determined by the (judge of probate,) and if not paid the appellant shall be liable on his bond for the full amount of such costs in an action at law, to be brought by the county drain commissioner, on the bond, before any court having competent jurisdiction. [4349.]

V. Levy and Collection of Drain Taxes.

Computation of cost of drain, what to include: Within ten days after the letting of contracts, and in case of an appeal, then forthwith after such appeal shall have been decided, the county drain commissioner shall make a computation of the entire cost of such drain, which shall include all the expense of locating, establishing and constructing the same, including the commissioners' fees, cost of survey, fees and expenses of special commissioners, or jury, and amount of contracts for construction, also the cost of appeal in case the assessment of benefits made by the county drain commissioner shall not be sustained, and all other expenses, and he shall add the whole into a gross sum, and add thereto five per

centum of said gross sum to cover contingent expenses, and the entire sum so ascertained shall be deemed to be the cost of construction of such drain. In case the drain and the assessment therefor shall affect more than one township or one or more townships and an incorporated city or village, the county drain commissioner shall apportion such sum between the several townships, or townships, city, village or county so affected upon the basis and per cent. determined upon by him as provided in section one of chapter five; or in case of an appeal, then as provided in section four of chapter five. [4354, as amended by Public Act No. 118. Approved May 19, 1909.]

Who to make special assessment roll; what to contain; by whom dated and signed and where filed: The county drain commissioner shall thereupon make a special assessment roll for such drain for each township, or township and city, affected thereby, which roll shall be designated "(giving the name) drain special assessment roll," and he shall enter therein a correct description of the tracts, parcels or subdivisions of land benefitted by such drain, as provided in sections one and seven of chapter five, and place opposite each description the amount of the per cent. heretofore determined upon by him or by the board of review, as the case may be. He shall also enter thereon the amount of the per cent. apportioned to such township or townships and any city or village, and in case such amount be payable in installments as provided by section two of chapter four of this act, he shall enter thereon a memorandum of the installments thereof and of the year or years when such installments shall be spread; and shall add a certificate in writing of his determination made at the time and place of letting whether the taxes assessed for benefits shall be paid in one or more years. Such rolls shall be dated and signed by said drain commissioner and filed on or before the last Wednesday in September in each year, in the office of the clerk of the township or townships, or of any city in which such lands may be located. [4355.]

Drain taxes; how collected: All drain taxes assessed under the provisions of this act shall be subject to the same interest and charges, and shall be collected in the same manner as state and other general taxes are collected, and collecting officers are hereby vested with the same power and authority in the collection of such taxes as are or may be conferred by law for collecting general taxes. In all cases where suit is brought against the collector arising out of the collection of any drain tax, the county shall defend such officer in the same manner that he has now the right to be defended in the collection of general taxes. No suit shall be instituted to recover any drain tax or money paid or property sold therefor, or for damages on account thereof, unless brought within thirty days from the time of payment of such money to, or sale of such property by, the collecting officer; and if such tax shall be paid under protest the reasons therefor shall be specified, and the same procedure observed as is or may be required by the general tax law. All taxes levied under the provisions of this act, or of act number two hundred and sixty-nine of the session laws of eighteen hundred and eighty-one, with all lawful costs, interest and charges, shall be and remain a perpetual

lien upon the lands upon which they are assessed, and a personal claim against the owner or owners of such lands until they are paid. [4359.]

Returned drain taxes: If the taxes levied for the construction, cleaning out, widening, deepening or extending of any drain are not collected by the township treasurer, they shall by him be returned, together with the lands upon which they were levied, to the county treasurer in the same return, at the same time, and in the same manner, in every respect (naming in each case the particular drain), as lands are returned for state, county and township taxes, and such taxes shall follow such lands, the same as all such other taxes, and all the general provisions of law now existing, or that may be hereafter enacted for enforcing the payment of township, county and state taxes, shall apply to such drain taxes, and to the lands returned delinquent therefor, in the same manner and with like effect. [4360.]

VI. Drains Traversing More than one County.

Application: Whenever it may be desired to construct a drain traversing more than one county, or affecting lands lying in more than one county, an application therefor shall be made to the county drain commissioner of either county traversed by the proposed drain. Such application shall be subject to the same conditions and the applicants to the same obligations and liabilities as in other drain under this act. [4371.]

Joint action of commissioners: If upon examination the county drain commissioner shall deem the same to be necessary and for the good of the public health, convenience or welfare, he shall, as soon as practicable thereafter, fix a time and place of meeting and notify the county drain commissioner or commissioners of such other county or counties to that effect, and furnish him or each of them with a certified copy of such application. Such county drain commission or commissioners shall, at the time and place fixed as above, meet with the county drain commissioner having the original application, and they shall thereupon and thereafter jointly take all steps, and perform all acts, and sign all papers, as county drain commissioners are required to do singly in the case of other drains, including the application to the probate court. [4372.]

VII. Drainage of State Swamp Lands.

State swamp land drains to be under control of county commissioners: All drains in any organized county of this state which have been constructed therein partly or wholly by aid of state swamp lands, or under authority of the board of control having charge of the drainage and reclamation of swamp lands by means of state roads and ditches, shall hereafter be under control of the county drain commissioner of the county or counties where said drain is situated, and may be cleaned out, widened, deepened, extended or relaid by said drain commissioner, upon like petition as is required by section one of chapter eight of this act.

VIII. Cleaning, Deepening or Widening Drain.

Cleaning out, deepening or widening drain; provisions as to natural watercourse, navigable river, etc.:. Whenever a drain, or any portion thereof needs cleaning out, one-fourth of the freeholders whose lands are traversed by said drain liable to an assessment for benefits on account of the proposed improvement, may make application in writing to the county drain commissioner of the county in which such drain is located and the lands to be affected thereby are situated, setting forth the necessity of such proposed work, and the county drain commissioner shall, as soon as practicable thereafter, notify the township clerk or clerks of the township or townships through which the said drain passes, of the filing of such petition, giving a copy or copies thereof. Upon the receipt of such notice or notices, it shall be the duty of the clerk or clerks so notified to call a meeting or joint meeting of the township board or boards, as the case may be, giving notice of the time and place of such meeting and causing a notice of such meeting to be published for not less than one week in a newspaper published and in general circulation in the county. At the time and place fixed in said notice, the township board or boards shall meet, and if more than one township is affected, then the boards shall meet in joint session to determine the necessity of the proposed work. At such meeting all persons owning lands liable to an assessment for benefits, or whose lands are crossed by said drain, may appear for or against said drain proceedings. After hearing the evidence so offered as herein provided by all persons appearing for or against the proposed work, the board or boards, as the case may be, shall make their determination upon the necessity of the said proposed work. If the board or boards shall find by a majority vote that the said proposed work is not necessary, they shall dismiss the petition and no further petition for the same purpose shall be legal if made within one year after such determination. If said board or boards by a majority vote shall find said proposed work to be necessary, they shall make their order to that effect and file the same with the said county drain commissioner. The members of the township board or boards for their services under this section shall be compensated at the rate provided by act number ninety-eight of the Public Acts of nineteen hundred seven, to be paid from the general fund of the township or townships when the proposed work is found by them to be necessary. In all cases in which the township board or boards find the proposed work to be necessary, the county drain commissioner shall, as soon as practicable after the order of determination has been filed with him, go over the line of said drain and fix the percent of the cost of cleaning out that the owners of lands benefited thereby and the several townships at large benefited thereby shall be assessed therefor. In case such drain is deepened, widened or straightened, he shall make his first order of determination and take the steps thereafter to be taken as heretofore

provided for laying out and establishing drains: Provided, That such assessment shall be made according to the benefits received and shall be subject to appeal the same as in the first instance. Drains may be cleaned out, deepened, widened or straightened, and for any or all such proceedings only one application and proceeding shall be necessary. It shall not be necessary for the applicants in such proceedings to further describe the drain or drains involved than by referring to the recorded name or names thereof, but a reference to a drain describing it by its commencement and terminus approximately and its general course or direction shall be sufficient without giving the name. In case where a water course shall need deepening, widening, cleaning out, straightening or extending, it shall be immaterial whether the application shall be to lay out and establish, clean out, deepen, widen, straighten or extend, but where a right of way shall be necessary the county drain commissioner shall take such steps to obtain a right of way as hereinbefore provided. [Section 4379 as amended by Public Act No. 320 approved June 2, 1909.]

IX. Vacation of Drain.

May vacate; proviso as to private rights; who to pay expenses: The county drain commissioner may, upon proper application as required in this act, and upon giving five days' notice thereof by posting only, as provided for the letting in the first instance, declare any drain vacated and abandoned if in his judgment the same has ceased to be of public utility: Provided, That private rights of persons acquired by reason of the location and establishment of such drain shall not be interfered with, or in any way be impaired thereby. The party so applying shall pay all expenses of such vacating and abandonment. [4383.]

X. Miscellaneous.

Penalty for removing grade stake or obstructing drain: If any person shall wilfully or maliciously remove any section or grade stake set along the line of any drain, or obstruct or injure any drain, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding one hundred dollars, and the costs of prosecution, or in default of the payment thereof, by imprisonment in the county jail not exceeding ninety days.

XI. Dams, Pumps, Etc.

By the provisions of Public Act No. 69 passed 1909, established drains may be improved for the benefit of those whose lands were improved by the original construction of such drains, by the construction and maintenance of dams in drains and the removal of the drainage by the use of pumps and other mechanical operation.

CHAPTER 9.

Exemption of Property from Levy and Sale on Execution.

I. Personal property exempt.
II. No exemption as against claim for purchase price.
III. Sewing Machine; when exempt.
IV. Exemption of homestead.

I. Personal Property Exempt.

Personal property exempt: The following property shall be exempt from levy and sale under any execution, or upon any other final process of court:

First, All spinning wheels, weaving looms with the apparatus, and stoves put up and kept for use in any dwelling house;

Second, A seat, pew or slip, occupied by such person or family, in any house or place of public worship;

Third, All cemeteries, tombs and rights of burial, while in use as repositories of the dead;

Fourth, All arms and accoutrements required by law to be kept by any person; all wearing apparel of every person or family.

Fifth, The library and school books of every individual and family, not exceeding one hundred and fifty dollars, and all family pictures;

Sixth, To each householder, ten sheep, with their fleeces, and the yarn or cloth manufactured from the same; two cows, five swine, and provisions and fuel for comfortable subsistence of such householder or family for six months;

Seventh, To each householder, all household goods, furniture and utensils, not exceeding in value two hundred and fifty dollars;

Eighth, The tools, implements, materials, stock, apparatus, team, vehicle, horses, harness or other things, to enable any person to carry on the profession, trade, occupation or business in which he is wholly or principally engaged, not exceeding in value two hundred and fifty dollars; The word team in this subdivision shall be construed to mean, either one yoke of oxen, a horse, or a pair of horses, as the case may be.

Ninth, A sufficient quantity of hay, grain, feed and roots, whether growing or otherwise, for properly keeping for six months the animals in the several subdivisions of this section exempted from execution, and any chattel mortgage, bill of sale, or other lien created on any part of property above described, except such as is mentioned in the eighth subdivision of this section, shall be void, unless such mortgage, bill of sale or lien be signed by the wife of the party making such mortgage or lien, if we have any. [10322.]

II. No Exemption as Against Claim for Purchase Price.

Personal property is not exempt from an execution issued upon a judgment rendered on a claim for the purchase money for such property.

II. Sewing Machine — When Exempt.

Sewing machine exempt, etc.: All sewing machines owned by individuals and kept for the actual use of themselves or their families, shall be exempt from levy and sale on execution, not exceeding one such machine for each family; and any chattel mortgage, bill of sale or other lien created on any such sewing machine shall be void, unless such mortgage, bill of sale or lien be signed by the wife, if he have any, of the party making such mortgage, bill of sale or lien.

IV. Exemption of Homestead.

Exemption of homesteads; homestead defined and exempted: A homestead, consisting of any quantity of land not exceeding forty acres, and the dwelling house thereon and its appurtenances, to be selected by the owner thereof, and not included in any recorded town plat or city or village, or instead thereof, at the option of the owner, a quantity of land not exceeding in amount one lot, being within a recorded town plat or city or village, and the dwelling house thereon and its appurtenances, owned and occupied by any resident of this state, shall not be subject to forced sale on execution, or any other final process from a court, for any debt or debts growing out of or founded upon contract, either express or implied, made after the third day of July, A. D. 1848. This section shall be deemed and construed to exempt such homestead in the manner aforesaid during the time it shall be occupied by the widow or minor child or children of any deceased person, who was, when living, entitled to the benefits of this act. [10362.]

Exception to exemption: Such exemption shall not extend to any mortgage thereon lawfully obtained, but such mortgage or other alienation of such land by the owner thereof, if a married man, shall not be valid without the signature of the wife to the same, unless such mortgage shall be given to secure the payment of the purchase money or some portion thereof. [10363.]

CHAPTER 10.

Fences.

I. Partition or line fences.
II. Fence viewers.
III. Damage done by beast not recoverable unless lawful fence maintained.
IV. Partition fences in villages.
V. Fences along railroads and electric or street railways.
VI. Malicious destruction of fence.
VII. Maliciously throwing down fences and bars, opening gates, etc.

I. Partition or Line Fences.

What deemed legal fence. All fences four and one-half feet high and in good repair, consisting of rails, timber, boards, wire, or stone walls or any combination thereof, and all brooks, rivers, ponds, creeks, ditches and hedges, or other things which shall be considered equivalent thereto, in the judgment of the fence viewers, within whose jurisdiction the same may be, shall be deemed legal and sufficient fences. [2415 as amended May 14, 1903.]

Partition fences, how maintained: The respective occupants of lands enclosed with fences shall keep up and maintain partition fences between their own and the next adjoining enclosure, in equal shares, so long as both parties continue to improve the same: *Provided,* That the occupants of private ways and the occupants of the next adjoining enclosed lands shall keep up and maintain partition fences between such ways and such next adjoining lands, in equal shares, so long as such ways are used and such lands are improved. [2416 as amended April 4, 1907.]

Proceedings in case of neglect to repair or rebuild: In case any party shall neglect to repair or rebuild any partition fence, which of right he ought to maintain, the aggrieved party may complain to two or more fence viewers of the township, who, after due notice to each party, shall proceed to examine the same; and if they shall determine that the fence is insufficient, they shall signify the same in writing to the delinquent occupant of the land, and direct him to repair or rebuild the same within such time as they shall judge reasonable; and if such fence shall not be repaired or rebuilt accordingly, it shall be lawful for the complainant to repair or rebuild the same. [2417.]

Remedy of complainant, etc.; duty of supervisors: When any deficient fence built up or repaired by any complainant, as provided in the preceding section, shall be adjudged sufficient by two or more of the fence viewers and the value of such repairing or building up, together with their fees, shall be ascertained by a certificate under their

hands, the complainant shall have a right to demand either of the occupant or owner of the land where the fence was deficient, the sum so ascertained. And in case of neglect or refusal to pay the sum so due on or before the first day of the next succeeding October, after demand thereof is made, the sum so due shall become a lien on the said land and the fence views aforesaid shall report the same to the supervisor of the township, on or before the first day of November next thereafter, who shall cause the same to be spread upon the assessment roll, in a separate column for that purpose, opposite the description of the land owned or occupied by the person or persons neglecting to pay the same, the said tax to be collected in the same manner that other taxes are collected and paid over to the complainant upon the order of the township board. [2418.]

In case of controversy, fence viewers to assign: When any controversy shall arise about the rights of the respective occupants, in partition fences, or their obligation to maintain the same, either party may apply to two or more fence viewers of the township where the lands lie, who, after due notice to each party, may in writing assign to each his share thereof, and direct the time within which each party shall erect or repair his share of the fence in the manner before provided; which assignment, being recorded in the township clerk's office, shall be binding upon the parties, and upon all the succeeding occupants of the lands; and they shall be obliged always thereafter to maintain their respective portions of said fence. [2419.]

In case of neglect, etc., party erecting, etc., entitled to value: In case any party shall refuse or neglect to erect and maintain the part of any fence assigned to him by the fence viewers, the same may be erected and maintained by the aggrieved party in the manner before provided, and he shall be entitled to the value thereof ascertained in the manner aforesaid, and to be removed in like manner. [2420.]

When occupant to pay for portion of fence assigned to him: When in any controversy that may arise between occupants of adjoining lands as to their respective rights in any partition fence it shall appear to the fence viewers that either of the occupants had, before any complaint made to them, voluntarily erected the whole fence, or more than his just share of the same, or otherwise become proprietor thereof, the other occupant shall pay for so much as may be assigned to him to repair or maintain, the value of which shall be ascertained and collected in the manner provided in this chapter. [2421.]

Partition fences to be kept repaired: All partition fences shall be kept in good repair throughout the year, unless the occupants of the lands on both sides shall otherwise mutually agree. [2422.]

When lands bounded or divided by river, etc., and parties disagree: When lands of different persons, which are required to be fenced, are bounded upon, or divided by, any river, brook, pond or creek, which of itself, in the judgment of the fence viewers, is not a sufficient

fence, and it is, in their opinion, impracticable, without unreasonable expense, for the partition fence to be made in such waters, in the place where the true boundary line is, if in such case the occupant of the land on the one side shall refuse or neglect to join with the occupant of the land on the other side in making a partition fence on the one side or the other, or if such persons shall disagree respecting the same, then two or more fence viewers of the township wherein such lands lie, on application to them made, shall forthwith proceed to view such river, brook, pond or creek. [2423.]

Proceedings of fence viewers: If such fence viewers shall determine such river, brook, pond or creek in the preceding section mentioned, not to answer the purpose of a sufficient fence, and that it is impracticable, without unreasonable expense, to build a fence on the true boundary line, they shall, after giving notice to the parties, determine how, or on which side thereof the fence shall be set up and maintained, or whether partly on one side and partly on the other side, as to them shall appear just, and shall reduce such determination to writing, and sign the same; and if either party shall refuse or neglect to make and maintain his part of the fence, according to the determination of the fence viewers, the same may be made and maintained by the other party as before provided in this chapter, and the delinquent party shall be subject to the same charges and costs, to be recovered in like manner. [2424.]

Lands owned in severalty but occupied in common; any occupant may have lines divided: When any lands, belonging to different persons in severalty, shall have been occupied in common, without a partition fence between them, and one of the occupants shall be desirous to occupy his part in severalty, and the other occupant shall refuse or neglect, on demand, to divide with him the line where the fence ought to be built, or to build a sufficient fence on his part of the line when divided, the party desiring it may have the same divided and assigned by two or more fence viewers of the same township, in the manner provided in this chapter. [2425.]

Viewers may assign time for making: Upon the division and assignment as provided in the preceding section the fence viewers may, in writing under their hands, assign a reasonable time for making the fence, having regard to the season of the year, and if either party shall not make his part of the fence within the time so assigned, the other party may, after having completed his own part of the fence, make the part of the other, and recover the ascertained expenses thereof, together with the fees of the fence viewers, in the manner provided in this chapter. [2426.]

When partition fence not to be removed: When one party shall cease to improve his land, or shall open his enclosure, he shall not take away any part of the partition fence belonging to him and adjoining the next enclosure, if the owner or occupant of such adjoining enclosure will, within two months after the same shall be ascertained, pay therefor

such sum as two or more fence viewers shall, in writing under their hands, determine to be the value of such partition fence belonging to such party. [2427.]

When occupant or owner to pay one-half partition fence, etc.: When any unenclosed land shall be afterwards enclosed the occupant or owner thereof shall pay for one-half of each partition fence standing upon the line between his land and the enclosure of any other occupant or owner, and the value thereof shall be ascertained by two or more fence viewers of the township, in writing under their hands, in case the parties do not agree, and if such occupant or owner shall neglect or refuse for thirty days after the value has been so ascertained and demand made to pay for one-half of such partition fence, the same shall be assessed and collected, together with the costs of ascertaining the same. [2428.]

When occupant or owner to pay one-half of partition fence, etc.: In cases where the line, upon which a partition fence is to be made, or to be divided, is the boundary line between townships, or partly in one township and partly in another, a fence viewer shall be taken from each township. [2429.]

Fences running into water: Where a partition fence running into the water is necessary to be made, the same shall be done in equal shares, unless otherwise agreed by the parties, and in case either party shall refuse or neglect to make or maintain the share belonging to him, similar proceedings shall be had, as in case of other fences, and with the like effect. [2430.]

Line of unimproved lands divided; who to erect fences, etc.: In all cases where the line, upon which a partition fence is to be built between unimproved lands, has been divided by the fence viewers, or by agreement in writing between the owners of such lands, recorded in the office of the clerk of the township, or of one of the townships where such lands lie, the several owners thereof, and their heirs and assigns forever, shall erect and support said fences, agreeably to such division. [2431.]

Notice on determination not to improve lands: If any person shall determine not to improve any part of his lands adjoining any partition fence that may have been divided according to the provisions of this chapter, and shall give six months' notice of such determination to all the adjoining occupants of lands, he shall not be required to keep up or support any part of such fence during the time his lands shall lie open and unimproved. [2432.]

II. Fence Viewers.

Fence viewers: The overseers of highways and the highway commissioner of the several townships in this state shall be fence viewers in their respective townships: Provided, That if in any case there shall not be at least two disinterested fence viewers, either of the two justices

of the peace not members of the township board, or both if necessary, shall act as fence viewers whenever required. [2433 as amended by Public Act No. 61 approved May 5, 1909.]

Penalty for neglect to view fence: Any fence viewer, who shall, when requested, unreasonably neglect to view any fence, or to perform any other duty required of him in this chapter, shall forfeit the sum of five dollars, and shall also be liable to the party injured for all damages consequent upon such neglect. [2434.]

Compensation of fence viewers: Each fence viewer shall be paid by the person employing him, at the rate of two dollars a day for the time he shall be so employed; and if such person shall neglect to pay the same within thirty days after the service shall have been performed, each fence viewer having performed any such service may recover, in an action of assumpsit, double the amount of such fees. [2435.]

III. No Recovery for Damages Done by Beasts unless Lawful Fence Maintained.

Damages not recoverable for trespass on lands not enclosed by lawful fence: No person shall be entitled to recover any sum of money, in any action at law, for damages done upon lands by any beast or beasts, unless the partition fences by which such lands are wholly or in part enclosed, and belonging to such person, or by him to be kept in repair, shall be of the same height and description as is required by the provisions of section 2415 of the compiled laws. * * * [2436.]

IV. Partition Fences in Villages.

Partition fences in villages; fence viewers: The council is authorized to enact all such ordinances and laws as it may deem proper relative to the building, rebuilding, maintaining and repairing of partition fences by the owners and occupants of adjoining lots, enclosures and parcels of land in the village; and relative to the assigning to the owners or occupant of such adjoining pieces of land, the portion of such partition fences to be maintained by them respectively; and may provide for the recording of such assignments and divisions when made; and may provide for the recovery of damages from any owner or occupant who shall fail to comply with the provisions and requirements of any ordinance relative to such partition fences. And the council may appoint fence viewers and prescribe their duties and mode of proceeding in all cases relating to partition fences in the village.

V. Fences Along Railroads and Electric or Street Railways.

a. Must be built and maintained by railroad company.
b. Materials and manner of construction.
c. Company's liability for damages.

d. Cattle guards.
e. Farm crossings.
f. Residence crossings.
g. Procedure when landowner and company disagree.
h. Penalty for violation of the law.
i. Railroad not to be operated if not fenced under certain conditions, unless, etc.
j. Inspection of fences and sufficiency determined by commissioner of railroads.

Fences along railroads; cattle-guards; farm and residence crossings; proceedings, penalties, etc.: Every railroad company formed under this act or any former act, and every corporation owning or operating any such railroad, shall erect and maintain in effective condition of repair, fences on each side of the right of way to their respective roads, as hereinafter provided. A legal railroad fence shall not be less than four and one-half feet high, and shall be made of boards and posts in combination as follows: The boards to be of pine or hemlock, six inches in width and sixteen feet in length; the posts to be of cedar, tamarack or oak, not less than seven feet in length and five inches in diameter, to be set not less than two and one-half feet in the ground at a distance apart not more than eight feet from center to center. First a board shall be nailed to the posts close to the ground; five inches above such first board, a second; six inches above the second, a third; six inches above the third, a fourth; six inches above the fourth, a fifth; all to be capped with a like board securely nailed to the fifth board and to the posts. All the boards to be firmly nailed to the posts with not less than two eight or ten-penny fence nails at each post. Or it may be constructed of posts, boards and wire in combination as follows: The posts shall be of cedar, tamarack or oak, not less than seven feet in length and five inches in diameter, to be set not less than two and one-half feet in the ground at a distance apart of not more than eight feet from center to center. At a height of sixteen inches from the ground a pine or hemlock fence board six inches in width, and seven inches above such first pine or hemlock board, a second of the same width, both fence boards to be firmly nailed to the posts with two eight or ten-penny fence nails at each post. At a height of five inches from the ground a barbed fence-wire, and at ten inches from the ground a second barbed wire; forty-four inches from the ground, or nine inches from the second pine or hemlock board, a third barbed wire; and fifty-three inches from the ground, or nine inches above the third barbed wire, a flat Brinkerhoof strip, or some other metallic strand of similar pattern; or it may be constructed with such posts and set as above described and made as follows: At a height of four inches from the ground a barbed fence-wire; at nine inches from the ground a second barbed wire; at fourteen inches from the ground a third barbed wire; at twenty inches from the ground a fourth barbed wire; at twenty-eight inches from the ground a fifth barbed wire; at thirty-seven inches from the ground a sixth barbed wire;

at forty-eight inches from the ground a six-inch pine or hemlock fence board, capped with a six-inch pine or hemlock fence board. Such wires and strips to be properly strained, and the posts sufficiently braced wherever necessary to prevent the wires from becoming loose or sagging, and the wires to be securely fastened to the posts with sufficient staples. All inequalities of the ground under the fence to be surfaced and leveled so that no animals can pass under the lower strand: Provided, That any fence or cattle-guard which shall have the written approval and endorsement of the commissioner of railroads of this state and which fence is not less than four and one-half feet in height and is otherwise equal in durability, strength and sufficiency to turn animals and stock to the fences herein described shall be a legal railroad fence or cattle-guard: Provided further, Anw railroad company that has already erected fences along the line of its right of way may allow the same to remain until otherwise ordered by the commissioner of railroads; but in such case said railroad company or corporation shall be liable for all damages done to animals or stock coming upon its right of way through or over such fence, but on the trial of any action for damages, if it shall be shown that the fence through or over which such animals or stock entered upon such right of way was four feet in height and otherwise equal in strength and sufficieny to turn animals or stock, to the fence provided for in this act, then no damages shall be recovered. Such right of way fences shall be provided with suitable connecting fences and cattle-guards at all highway and street crossings, which shall at all times be kept in effective repair and sufficient to prevent stock of all kinds from passing upon the track of the railroad at such highway or street crossings. Convenient farm crossings shall also be constructed by any such railroad corporation across the right of way and track of its railroad, with the necessary gates or bars therefor, as the owner or occupant of the premises may elect, at the sides of the right of way, which said gates or bars shall be of sufficient width to admit the free and easy transportation of all farm machinery, including harvesters or binders, in form as the same are usually drawn, upon the application of the owner or owners of land lying upon both sides of such railroad track, the same being inclosed by exterior fences, and being adjacent to such right of way. And in cases where a railroad is immediately adjacent to or laid upon a highway and intervenes between said highway or the usually traveled portion thereof and the residence buildings of real property fronting upon said highway, open, unobstructed residence crossings, suitably guarded, substantially as are provided for highway and street crossings, shall be provided and maintained by the railroad corporation operating said railroad: Provided, The same shall be so ordered by the railroad commissioner. And in case of disagreement between the owner of any such land and the railroad corporations as to the necessity for, location of, or character of farm crossing, or such residence crossing so applied for, or as to the plan or construction of the gate or

guards as herein provided, then either party may present the matter in dispute to the commissioner of railroads, who may proceed to investigate the same as soon as may be and render his decision thereon, which shall be final and binding upon the parties respectively, and such farm crossings and such residence crossings shall be constructed within the time prescribed by the said commissioner of railroads under a penalty of ten dollars for each and every day that such complete construction of the farm crossing or residence crossing shall be delayed beyond the expiration of the time fixed for its completion by the said commissioner of railroads. And such railroad corporation shall also be liable to the owner or occupant of said adjacent lands for all actual damages resulting from its failure to construct and maintain and properly guard such open and unobstructed way as herein provided for such residence crossings. And until such crossings, fences and cattle-guards as hereinbefore provided for shall be duly constructed, the company or corporation owning or operating such road shall be liable for all damages done to cattle or other animals thereon which may result from the neglect of such company or corporation maintaining or operating such road to construct and maintain in repair such crossings, fences and cattle-guards as aforesaid, to be recovered by the owner of such cattle or other animals in a civil action before any court of competent jurisdiction, and after such company or corporation shall have constructed such crossings, fences and cattle-guards as hereinbefore provided, and while they shall continue to maintain the same in good and sufficient repair, it shall not be liable for any such damages as aforesaid, unless negligently or willfully done. And every such company or corporation owning or operating any such railroad shall, within three months from the time any section or portion of such road is finished and put in general use by running regular trains thereon, and in the case of any roads now in use from the time this act shall take effect, erect and maintain the crossings, fences and cattle-guards as herein provided. Any violation of the provisions of this section on the part of any railroad corporation owning or operating any railroad in this state, by failure or neglect to construct and maintain crossings, fences and cattle-guards as herein required, shall be punished by a penalty of twenty-five dollars per day for each and every day that such neglect or failure shall continue: Provided, That if such fences and cattle-guards shall not be built as aforesaid along such portions of any line of road as is or may be constructed north of a line extending due west from the mouth of the Saginaw river, the corporation or company owning or operating any such line of road shall not be liable to the said penalty unless such fence or cattle-guards shall be ordered by the commissioner of railroads, but shall be liable to all the other provisions of this section; and if any person shall ride, lead, or drive, or intentionally permit any horse or other animal upon such road and within such fences or cattle-guards other than farm crossings or residence crossings, or shall injure or destroy, or make openings or passages through

or over such fences or cattle-guards, or neglect to close any gates or bars, immediately after passing through the same, without the consent of such company or corporation, he shall, for every such offense, be liable to a fine not exceeding one hundred dollars, and shall also pay all damages which shall be sustained thereby to the party aggrieved: Provided further, That nothing herein contained shall be construed to prevent the erection of any other fence than that herein provided for, as may be agreed upon in writing between the duly authorized agent or officer of any railroad corporation and the owner of any land through which the road of such corporation [shall] may be in operation. [6294.]

Railroads not fenced and running through enclosed lands must have landowners permit to be operated; railroad commissioners duty: All railroads through lands enclosed by exterior fences that shall not be fenced as required by section fifteen of this article, within the time herein required, shall not be operated through such enclosed lands without the consent in writing of the owner or occupant thereof. Upon complaint being made under oath to said commissioner of railroads, by any person or persons owning or occupying such lands, that any railroad is being operated through the same in violation of the provisions of this section, he shall proceed to ascertain the facts in regard thereto, and if satisfied that such railroad is being so operated, he shall cause notice to be served upon the company or corporation owning or operating such railroad, requiring the fences and cattle-guards to be constructed within such time, not less than fifteen or more than sixty days, as may be specified in such notice, at the discretion of said commissioner of railroads. In case of the refusal or neglect of any such company or corporation as aforesaid to comply with the requirements of the order of the commissioner of railroads, and to fence their road and put in the necessary cattle-guards, within the time prescribed in the said notice of the commissioner, then it shall be the duty of the said commissioner, first giving at least five days' notice previous thereto, to the corporation so refusing or neglecting to comply with his said order, to present, either in open court or at his chambers, to the judge of the circuit court in and for the county in which the land so remaining unfenced, as herein provided, is situated, his petition setting forth the fact of said railroad company or corporation refusing to comply with the requirements of his said order, and praying for an injunction restraining such company or corporation from operating its road through the enclosed lands described in the said order of the said commissioner, until such fences and cattle-guards are constructed in accordance with the requirements of said order. If upon the hearing of such petition, the circuit judge to whom the same shall be presented, shall be satisfied that the facts set forth in the petition of the said commissioner of railroads are true, he shall grant an injunction as prayed for, restraining the corporation or company from operating its road through the land described in the said petition. until such time as the requirements of

the commissioner's order to fence shall have been fully complied with, and the fact of such compliance duly certified by the said commissioner of railroads to the corporation or company so enjoined from operating its road as herein provided, shall relieve such company or corporation from the further restraint imposed by such injunction. [6296.]

Commissioner of railroads to inspect and determine sufficiency of fences: The railroad commission shall have power, and it shall be its duty, if it shall deem it practicable, in all cases, to inspect and determine the sufficiency of all fences required by law to be constructed and maintained by railroad companies, and it may prescribe the manner of constructing, and the time within which it shall be done. [5229.]

Electric or street railways to maintain fences and farm crossings on order of commissioner of railroads: The Commissioner of Railroads shall have power and it shall be his duty to order the construction of fencing along the line of the right of way of any electric or street railway operated in this State whenever in his judgment he deems it necessary, to prevent animals or stock from getting on such right of way; and he shall prescribe the manner of constructing such fencing and the time within which it shall be done. The said Commissioner of Railroads shall also have power and it shall be his duty to order the construction of convenient and suitable farm crossings across the right of way and tracks of any electric or street railway, upon the application of the owner or owners of land lying upon both sides of such railroad track and being adjacent to such right of way, at such places over the right of way as shall be designated by the owner or owners of the lands lying on each side of said right of way. [Section 11 of an act passed June 9, 1903, and amended in present form June 17, 1905.]

VI. Malicious Destruction of Fence.

Malicious destruction of fence, etc.; penalty: Every person who shall willfully and maliciously burn or otherwise destroy or injure * * * any fence, bars or gate * * * if the property so injured or destroyed shall be of the value of $25.00 or less, shall be punished by a fine not exceeding one hundred dollars, or imprisoned in the county jail not exceeding three months, and if such property shall be of the value of more than $25.00, such person shall be punished by imprisonment in the state prison not more than five years, or by a fine not exceeding five hundred dollars, or by imprisonment in the county jail not more than one year. [11542.]

VII. Maliciously Throwing Down Fences and Bars, Opening Gates, Etc.

Marring or defacing fence; throwing down or opening gate or bars, or fence, etc.; unlawful; penalty: Every person who shall

willfully and maliciously or wantonly * * * mar or deface any fence belonging to or enclosing lands not his own, or shall maliciously throw down or open any gate, bars or fence, and leave same down or open * * * shall be punished by imprisonment in the county jail not more than one year, or by fine not exceeding one hundred dollars. [11585.]

CHAPTER 11.

Fires.

I. Forest fires; provisions for extinguishing. Fire Warden and his duties.
II. Willful firing of woods and praires.
III. Burning of houses, barns and other buildings.
IV. Burning or destroying personal property, crops, grain, etc.
V. Burning of insured buildings or other property.
VI. Fires originating from railroads.
VII. Setting fires to mines, etc.

SECTION 1. **Forest fires, prevention, etc., of; Fire wardens:** The State game, fish and forest warden shall have charge of the prevention and suppression of forest fires, as hereinafter provided. The supervisors of townships are hereby constituted fire wardens of their respective townships. The State game, fish and forest warden shall appoint a fire warden for each surveyed township of this State in which a supervisor does not reside. The fire warden so appointed shall be where possible, a resident of the surveyed township for which he is appointed.

SECTION 2. **Counties divided into districts; appointment of deputies, etc.; duities of; general provisions:** The State game, fish and forest warden shall divide the counties affected by this law into districts of suitable and convenient size, as he may deem advisable, and appoint for each of such districts a deputy game, fish and forest warden: Provided, however, That not more than ten such deputy wardens shall be so appointed, who shall have all the powers heretofore possessed by deputy game and fish wardens. Each of said deputy game, fish and forest wardens shall receive from the State a salary of not exceeding one thousand dollars per year, to be fixed by the State game, fish and forest warden, and his necessary expenses, payable monthly, and shall be subject to the orders and direction of the State game, fish and forest warden in the performance of the duties hereinafter prescribed. Such deputy game, fish and forest wardens shall hold their offices during the pleasure of the State game, fish and forest warden, and shall be subject to removal by him at any time. It shall be the duty of such deputy game, fish and forest wardens to familiarize themselves by personal investigation with the locality and the condition of the cut-over lands, prairie lands and other districts in their respective counties where fires are most likely to start and spread, and to take such precautions as they shall deem reasonable and proper to prevent the starting or spreading of fires in such districts, and in doing so, may enter upon lands and remove or destroy brush, rubbish and other dangerous combustible material, wherever necessary. It shall be the duty of such deputy game, fish and forest wardens to caution all

sportsmen, settlers and others of the danger from fires in the woods, to extinguish all fires left burning by any one, if within their power; and to give notice to any and all parties interested, when possible, of fires raging and beyond their control, to the end that the same may be controlled and extinguished. In case of fire, such deputy game, fish and forest wardens shall have the power to employ assistance in emergencies to extinguish or control fires, to the same extent and in the same manner as fire wardens of townships in which fires are raging, and shall also have the power to call upon the fire wardens hereinbefore provided for in each of the townships affected by such fire for all such assistance as such township fire wardens shall be entitled to employ under the provisions of this act. It shall be the duty of said deputy game, fish and forest wardens, whenever possible, to go to the place of fire, take personal charge of and direct all efforts to extinguish and control the same. Said deputy game, fish and forest wardens shall have general charge of township fire wardens in his district, and shall have authority to mass such fire warden force as may be available, at any special point in his district, to suppress fires.

SEC. 3. **Warden to have general charge of deputies, etc.; forest commissioner:** The State game, fish and forest warden shall have general charge of all the deputy game, fish and forest wardens and fire wardens hereinbefore provided for. Said deputy game, fish and forest wardens shall make annual reports to the State game, fish and forest warden, and such other written and verbal reports as he may require, which annual reports shall show in detail each fire occurring in such district, stating the cause of the same, the method used to control or extinguish such fire, amount of property destroyed and the number of lives lost, and such other facts as the State game, fish and forest warden may require. In case the fire warden force of any locality is deemed by the State game, fish and forest warden inadequate to prevent or suppress forest fires, he shall appoint temporarily needed fire wardens whose duties and authority shall be the same as is herein given to supervisors acting as fire wardens. He shall have authority to mass such fire warden force as may be available at any special point to suppress fires. He shall cooperate with any police or military force of the United States government which may be detailed to guard the national domain from fire. He shall investigate, or cause to be investigated by said deputy game, fish and forest wardens, the damages done from time to time by forest fires, and the causes of such fires, and include the same in the annual report to be made by him to the governor. The commissioner of the State land office is hereby made forest commissioner of the State. Said forest commissioner shall investigate the extent of the forests of the State, together with the amounts and varieties of the wood and the timber growing therein, the method used, if any, to promote the regrowth of timber, and any other facts relating to forest interests which he may regard as important. The State game, fish and forest warden

shall co-operate with the forest commissioner in securing such information, and shall render such assistance as may be possible through its department in securing the same.

SEC. 4. **Abstract of laws to be furnished wardens and to be posted:** The State game, fish and forest warden shall provide and officially sign an abstract of the penal laws of this act, with such rules and regulations in accord therewith as he may deem necessary, and on or before the first day of March of each year he shall forward as many copies as he considers needful to the several fire wardens in the State and to all railroad companies, and it shall be the duty of said fire wardens to post up such abstract as warning placards in twelve conspicuous places in their respective districts.

SEC. 5. **Expenses for suppressing fires; amount of; how paid:** During a dry and dangerous season, when forest fires are prevailing or are liable to break out, the State game, fish and forest warden shall use such means under his command as he may deem necessary to prevent or suppress fires, and the expenses thus incurred shall be paid by the State, which expenditures in any fiscal year shall not exceed ten thousand dollars, to be paid out of the general fund upon the order of the State game, fish and forest warden.

SEC. 7. **Fire warden may make arrests; and shall investigate unknown causes of fires; township wardens to inquire into causes of fires; make reports:** The State game, fish and forest warden, the deputy game, fish and forest wardens and the several fire wardens created by this act shall have authority to enforce the provisions of this act, and it shall be the duty of said deputies and said fire wardens to co-operate with the fire warden of any adjoining district, and in the absence of such fire warden to direct the work of control and extinguishment of forest fires in such district, and to arrest, without warrant, every person found violating any provision of this act, and to forthwith take the offender before a magistrate and make complaint against such person. It shall further be the duty of each of said deputy game, fish and forest wardens to look up the evidence relative to all fires the cause of which is unknown and actively endeavor to secure the conviction of all persons violating the provisions of this act. The township fire wardens provided for in this act shall inquire into the cause of each forest fire within their respective districts, and report the same verbally or in writing to the district warden, as he may request, and shall also inform him of conditions existing in their several districts believed by them to be dangerous, and also to report such other facts as the district warden may require. The State game, fish and forest warden may transfer to any other district than the one for which he is appointed for a specified time, any deputy game, fish and forest warden, to aid in the enforcement of the laws for the protection of game and fish and in the prevention and suppression of forest fires.

SEC. 8. **Compensation of fire wardens; how paid:** Each fire war-

den shall receive for his actual services rendered under this act two dollars per day, two-thirds of which shall be paid by the municipality where such service is performed, and one-third by the State; and any employe engaged in like service shall receive at the rate of two dollars per day, and said expense shall also be paid, two-thirds by the municipality where such service is rendered, and one-third by the State, as hereinafter provided, but no payment shall be made to any claimant under this act until he shall have presented an itemized account and made oath or affirmation that said account is just and correct, which account shall be approved by the township board. The clerk of the board shall thereupon issue to each claimant his warrant upon the township treasurer for the entire sum to which such claimant is entitled, and such treasurer shall pay the same. Such clerk shall transmit the original oath and copy of the warrant to the auditor general, who shall audit such claim, and one-third thereof shall be paid out of the State treasury from the general revenue fund by warrant issued by the auditor general upon the State treasurer, in favor of the county in which the same was paid and forward the same to the treasurer of said county, who shall pay it over to the treasurer of the proper township: Provided, That no fire warden shall be paid in any one year for more than ten days' service in extinguishment and preventing forest fires, nor for more than five days' service in each year in posting notices and making the reports required by this act, nor, in the aggregate, for more than fifteen days' services of whatever character, in any one year; nor shall any one person employed by fire wardens to assist in extinguishing or preventing forest fires be paid for more than five days of such service in any one year except upon special instruction from the State game, fish and forest warden.

SEC. 17. **Annual report of forest commissioner:** The forest commissioner shall, annually on or before the first day of December, make a written report to the governor, together with an itemized account of the expenses incurred in carrying out the provisions of this act, which report shall include such statistics and facts as he has obtained from the chief fire warden and from the several fire wardens of the State, and from other sources, together with his suggestions relative to the preservation of the forests of the State and the prevention and extinguishment of forest fires.

II. Willful Firing of Woods and Prairies.

Willfully setting fire to woods, etc.; how punished: Every person who shall willfully or negligently set fire to any woods, prairies, or grounds, not his own property, or shall willfully or negligently permit any fire to pass from his own woods, prairies, or grounds, to the injury or destruction of the property of any other person, shall be deemed guilty

of a misdemeanor, and on conviction thereof, shall be punished by a fine not exceeding one thousand dollars, or by imprisonment in the county jail not exceeding one year, or both, in the discretion of the court; and shall also be liable to the party injured in double the amount of damages sustained. [11653]

Duty of justices to order inhabitants to aid in extinguishing fires: Whenever the woods or prairies in any township shall be on fire, so as to endanger property, it shall be the duty of the justices of the peace, the supervisor, and the commissioners of highways of such township, and each of them, to order such, and so many of the inhabitants of such township, liable to work on the highways, and residing in the vicinity of the place where such fire shall be, as they shall severally deem necessary, to repair to the place where such fire shall prevail, and there to assist in extinguishing the same, or in stopping its progress. [11654.]

Penalty for refusing compliance with the order: If any person shall refuse or willfully neglect to comply with such order, he shall forfeit a sum not less than five, nor more than fifty dollars. [11655.]

Township boards to prohibit setting of fires; boards to make rules: The township boards of the several townships of this state are hereby authorized and it shall be their duty to prohibit the setting of forest fires or fires for the purpose of clearing lands, and disposing by burning, of refuse material and waste matter within their respective jurisdictions, whenever, in the judgment of a majority of the members of each of said boards, it shall be deemed necessary to prevent the spreading of such fires over the territory of such township, or any part thereof. Each of such boards may make such rules and regulations as they may deem proper for the purpose of carrying this act into effect, which rules and regulations shall be published by posting notices thereof, together with a copy of this act, in five of the most public places in such township. [11656.]

Penalty for violation of order; permission to burn refuse, how obtained; board may repeal order: Whenever in pursuance of the authority hereby given, any township board shall designate a period during which it shall be unlawful to set such fires, any person who shall be found guilty of violating the order of such board by setting any such fire in such township contrary to the provisions of any section of this act, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be subject to the same punishment as is prescribed in section one of this chapter: Provided, That any person desiring to dispose of refuse material by burning the same during the time prohibited by the board of such township, may do so after first procuring permission in writing, signed by the supervisor and township clerk, or by a majority of such township board, and the said supervisor and township clerk, or a majority of the said board, are hereby authorized to grant such permission, in their discretion, under such condi-

tions as they may prescribe, upon application, made, in writing, for such purpose: Provided, further, that said board is hereby authorized at any time to repeal by resolution any action theretofore taken by them under the provisions of this act. [1657.]

Notice to resident owners: Hereafter it shall be the duty of every person residing north of parallel forty-four of north latitude before setting fire for any of the above mentioned purposes, to serve a notice in writing on every resident owner or occupant of lands or grounds immediately adjoining the tract upon which such fires are to be set, at least one full day previous to the setting of such fires, personally, or by leaving the same at the residence of such adjoining owner or occupant, in the presence of some member of the family of suitable age and discretion, who shall be informed of the contents, and neglecting to give such notice shall be deemed prima facie evidence of negligence on the part of the person so offending. [11658.]

III. Burning of houses, barns and other buildings.

Burning a dwelling in the day-time: Every person who shall willfully and maliciously burn, in the day-time, the dwelling of another, or any building adjoining such dwelling house, or shall willfully and maliciously set fire to any building owned by himself or another, by the burning whereof such dwelling house shall be burnt in the day-time, or shall, in the day-time, willfully and maliciously set fire to any building owned by himself or another, by the burning whereof such dwelling house shall be burnt in the night-time, shall be punished by imprisonment in the state prison for life, or for any term of years. [11537.]

Burning meeting-house in the night time: Every person who shall willfully and maliciously burn in the night-time, any meeting house, church, court house, college, academy, jail, railroad depot, or other building erected for public use; or any banking house, warehouse, store manufactory, or mill of another, being with the property therein contained, of the value of one thousand dollars; or any barn, stable, shop or office of another, within the curtilage of any dwelling house; or any other building by the burning whereof any building mentioned in this section shall be burnt in the night-time, shall be punished by imprisonment in the state prison for any term of years. [11538.]

Burning the same in the day-time. Every person who shall willfully and maliciously burn, in the day-time, any building mentioned in the preceding section, the punishment for which, if burnt in the night-time, would be imprisonment in the state prison for any term of years, shall be punished by imprisonment in the state prison not more than ten years. [11539.]

Burning certain buildings, etc., in night or day-time: Every person who shall willfully and maliciously burn, either in the night-time

or in the day-time, any banking house, warehouse, store, manufactory, mill, barn, stable, shop, office, outhouse, or other building whatsoever of another, other than is mentioned in the third section of this chapter, or any bridge, lock, dam or flume, or any ship, boat, or vessel of another, lying within the body of any county, shall be punished by imprisonment in the state prison not more than ten years. [11540.]

Penalty for setting fire to buildings: Every person who shall set fire to any building mentioned in the preceding sections or to any other material with intent to cause any such building to be burned, or shall, by any such means or by soliciting any other person, attempt to cause any such building to be burned, whether such building is owned or occupied by himself or herself or by another, shall be punished by imprisonment in the state prison not more than fifteen years, or in the county jail not more than one year, or by a fine not exceeding one thousand dollars. [11541.]

IV. Burning or Destroying Personal Property; Crops, Grain, Etc.

Malicious burning or destruction of property; penalty: Every person who shall willfully and maliciously burn or otherwise destroy or injure, any pile or parcel of wood, boards, timber or other lumber, or any fence, bars or gate, or any stack of grain, hay or other vegetable product, or any vegetable product severed from the soil and not stacked, or any standing trees, grain, grass, or other standing product of the soil, or the soil itself, of another if such property so injured or destroyed shall be of the value of twenty-five dollars or less, shall be punished by a fine not exceeding one hundred dollars, or imprisonment in the county jail not exceeding three months, and if such property so injured or destroyed shall be of the value of more than twenty-five dollars, such person shall be punished by imprisonment in the state prison not more than five years, or by fine not exceeding five hundred dollars, or by imprisonment in the county jail not more than one year. [11542.]

To whom preceding sections to extend: The preceding sections of this chapter shall severally extend to a married woman who may commit either of the offenses therein described, although the property burnt or set fire to may belong partly or wholly to her husband; and said sections shall also severally apply to a married man, although the property burnt or set fire to may belong partly or wholly to his wife, and although said property may be occupied by such married man or married woman, or by such married man and wife as a residence. [11543.]

V. Burning Insured Buildings or Other Property.

Burning property insured: Every person who shall willfully burn any building, or any goods, wares, merchandise, or other chattels, which shall be at the time insured against loss or damage by fire, or shall

willfully cause or procure the same to be burned, with intent to injure the insurer, whether such person be the owner of the property or not, shall be punished by imprisonment in the state prison not more than ten years. [11544.]

VI. Fires Originating From Railroads.

Railroad company liable for damages by fire originating from road, except in certain cases: Any railroad company building, owning, or operating any railroad in this state, shall be liable for all loss or damage to property by the originating from such railroads, either from engines passing over such roads, fires set by company employes by order of the officers of said road, or otherwise originating in the constructing or operating of such railroad: Provided, that such railroad company shall not be held so liable if it prove to the satisfaction of the court or jury, that such fire originated from fire by engines whose machinery, smoke-stack or fire boxes were in good order and properly managed, or fire originating in building, or operating or repairing such railroad, and that all reasonable precautions had been taken to prevent their origin, and that proper efforts had been made to extinguish the same in case of their extending beyond the limits of such road, when the existence of such fire is communicated to any of the officers of such company. [6592.]

VII. Setting Fire to Mines, Etc.

Burning or setting fire to mines or mining property a felony; punishment for: Any person who shall willfully and maliciously burn or set fire to or cause to be burned or set fire to any wood, timber, or other material in any part of a mine under ground, or shall willfully and maliciously set fire to or burn any shaft-house or other structure or materials built or placed over, or upon a shaft, adit, level or other opening into any mine, such mine being then in use or operation, shall be deemed guilty of a felony and be punished by imprisonment in the state prison for life, or for any term of years. [11652.]

CHAPTER 12.

Fruit Trees, Fruits, Shrubs and Vines.

I. Prevention of diseases known as yellows,, black knot, peach rosette, Pear blight, etc.
II. Prevention of bush, vine and fruit tree pests.
III. San Jose scale and other diseases of trees, shrubs, etc.
IV. Fruit trees on or near boundary line; ownership of fruit.

Unlawful to keep trees infected with contagious diseases; tree and fruit subject to destruction; duty of persons owners: It shall be unlawful for any person to keep any peach, almond, apricot, plum, prune, cherry, nectarine or pear tree infected with the contagious diseases known as yellows, black knot, peach rosette, little peach or pear blight, or to offer for sale or shipment, or to sell or to ship any of the fruit thereof, except the fruit of the plum, cherry and pear tree; that both tree and fruit so infected shall be subject to destruction as public nuisances, as hereinafter provided. No damages shall be awarded in any court in the State for entering upon the premises and destroying such diseased trees, or parts of trees, or fruit, if done in accordance with the provisions of this act. It shall be the duty of every person, as soon as he becomes aware of the existence of such disease in any tree, parts of trees or fruit owned by him, to forthwith destroy or cause said trees or fruit to be destroyed. [5681.]

Appointment of commissioners: In any township or city in this state in which such contagious diseases exist or in which there is good reason to believe they exist or danger may be justly apprehended of their introduction, it shall be the duty of the township board, or city council as soon as such information becomes known to either such board or council, or any member thereof, to appoint forthwith three competent freeholders of said township or city, as commissioners, to be known as yellows commissioners, who shall hold office during the pleasure of said board or city council, and such order of appointment and of revocation shall be entered at large upon the township or city records: Provided, That the commissioners now appointed and in office shall continue in said office until their successors are appointed and qualified: Provided, That in case commissioners have already been appointed to prevent the spreading of bush, vine and fruit tree pests, such commissioners shall be ex-officio commissioners under this act. [5682.]

Acceptance; record of proceedings: It shall be the duty of said commissioners, within ten days after appointment as aforesaid, to file their acceptances of the same with the clerk of said township, or city, and said clerk shall be ex-officio clerk of said board of commissioners

and he shall keep a correct record of the proceedings of said board in a book to be provided for the purpose, and shall file and preserve all papers pertaining to the duties and actions of said commissioners, or either of them, which shall be a part of the records of said township or city. [5683.]

Duty of commissioners in regard to contagious diseases: It shall be the duty of the commissioners, or any one of them, upon, or without complaint, whenever it comes to their notice that either of the diseases known as yellows, black knot, peach rosette or pear blight exist, or are supposed to exist within the limits of their township, village or city, to proceed without delay to examine the tree or fruit supposed to be infected, and if the disease is found to exist, a distinguishing mark shall be placed upon the diseased trees, and the owners notified personally, or by a written notice left at his usual place of residence, or if the owner be a nonresident, by leaving the notice with the person in charge of the trees or fruit, or the person in whose possession said trees or fruit may be. The notice shall contain a simple statement of the facts as found to exist, with an order to effectually uproot and destroy, by fire, or as the commissioner shall order, the trees so marked or designated, or such parts thereof, within five days, Sundays excepted, from the date of the service of the notice, and in case of fruit so infected, such nnotice shall require the person in whose possession or control it is found to immediately destroy the same, or cause it to be done, or the commissioner may destroy the same. Said notice and order to be signed by one or more of the commissioners. [5684.]

Notice to commissioners that trees are not diseased; commissioners may revoke order for destruction of trees: In case any person who is interested in any tree or trees so ordered to be destroyed shall feel aggrieved by such order and shall believe that such trees are not so diseased, he may serve a written notice upon all the commissioners in the township in which such trees are situated, which notice shall specify the part of such order to which objection is made and the particular tree or trees included in such order which it is claimed are not so diseased and shall request an examination of such tree or trees by all of said commissioners, which notice shall be served personally upon each of said commissioners within the five days given for the destruction of said trees and it shall thereupon be the duty of all of said commissioners who have not already done so to personally examine such tree or trees as soon as practicable, and within said five days, and if a majority of all the commissioners shall agree that such tree or trees are so diseased, they shall order the same to be destroyed forthwith by the owner or custodian thereof, but if a majority shall decide that such tree or trees, or any of them, are not so diseased, they shall revoke the order of the commissioner to destroy the same so far as it relates to the trees so found to be free from disease, but this section shall not apply to fruit ordered to be destroyed. [5685.]

Commissioner to remove trees in certain cases: Whenever any person shall refuse or neglect to comply with the order to remove and destroy the trees or parts of trees so designated and marked by the commissioner as aforesaid, it shall become the duty of the commissioner to cause said trees or parts of trees to be removed and destroyed forthwith, employing all necessary aid for that purpose. The expenses for such removal and destruction of trees or parts of trees to be a charge against the township or city, and for the purpose of such removal [and] or destruction, the said commissioners, their agents and workmen, shall have the right and power to enter upon any and all premises within their township or city. [5686.]

Refusal of owner to remove trees a misdemeanor; penalty: If any owner neglects to uproot and destroy or cause to be removed and destroyed as aforesaid, such diseased trees, or parts of trees or fruit, after such examination and notification, and within the time hereinbefore specified, or any other person who shall sell or offer for sale such diseased fruit, such person shall be deemed guilty of a misdemeanor, and punished by a fine not exceeding one hundred dollars or by imprisonment in the county jail not exceeding three months or both, in the discretion of the court, and any justice of the peace of the township or city where such trees may be, or where such nursery stock or fruit is sold, shipped, disposed of, or delivered as aforesaid, shall have jurisdiction thereof. The words "parts of trees," wherever used in this act, shall refer to black knot and pear blight only, and not to trees affected with yellows. [5687.]

Compensation of commissioners: The commissioners shall be allowed for services under this act, two dollars for each full day, and one dollar for each half day and their other charges and disbursements hereunder, to be audited as well as any other charges and disbursements under this act, by the township board or city council, all of which costs, charges, expenses and disbursements, shall be certified by the commissioners to the supervisor or city council on the first day of October of each year. Said certicate shall describe the lands on which such diseased trees stood, and the expense incurred in removing the same. The amount so certified shall be levied by the supervisor upon the premises described in said certificate, the owners or occupants of which having refused to remove and destroy said diseased trees as required in this act. The amounts so levied shall be collected in the same manner as delinquent highway taxes are collected, and shall be paid into, and belong to the general fund of the township or city as the case may be. [5688.]

II. Prevention of Brush, Vine and Fruit Tree Pests.

Duty of owners, etc., to spray fruit trees, etc.: It shall be the duty of every owner, possessor, or occupier of an orchard, nursery or vineyard, or of land where fruit trees or vines are grown within this state,

to spray with a poisonous solution or disinfectant, and of sufficient strength to destroy such injurious insects or contagious disease, all fruit trees or vines grown on such lands which may be infected with any injurious insect or worms, or infected with any contagious disease known to be injurious to fruit or fruit trees or vines: Provided, That if such trees and vines are infested with the San Jose or other scale insects, such as trees or vines shall be either effectually spray or destroyed: Provided also, That no such spraying shall be done while said fruit trees or vines are in blossom, except in case of canker worm. [5689.]

Duty of township board to appoint commissioners, when: In any township in this state where such injurious insects or contagious diseases are known to exist, or in which there is good reason to believe they exist, or danger may be justly apprehended of their introduction, it shall be the duty of the township board, upon the petition of at least ten freeholders of such township, to appoint forthwith three competent freeholders of said township as commissioners, who shall hold office during the pleasure of the board, and such order of appointment and of revocation shall be entered at large upon the township record: Provided, That in townships having a board of yellows commissioners, such commissioners shall be ex-officio commissioners under this act. [5690.]

Duty of commissioners: It shall be the duty of said commissioners within ten days after appointment as aforesaid, to file their acceptance of the same with the clerk of said township, and said clerk shall be ex-officio clerk of said board of commissioners, and he shall keep a correct record of the proceedings of said board in a book to be provided for that purpose, and shall file and preserve all papers pertaining to the duties and actions of said commissioners, or either of them, which shall be a part of the records of said townships. [5691.]

Commissioners to examine without complaint; notice to owners, etc.: It shall be the duty of said commissioners or any one of them, upon or without complaint, whenever it comes to their notice, that any orchard, fruit trees or vines are infested with canker worm or other injurious insects or contagious disease, within their townships, to proceed without delay to examine such orchards or vineyards, supposed to be infested, and if such injurious insects or contagious diseases are found to exist, the owner shall be notified personally, or by a written notice left at his usual place of residence, or if the owner be a non-resident, by leaving the notice with the person in charge of the trees or vines, or the occupant of the lands upon which such trees or vines shall be growing. The notice shall contain a simple statement of the facts as found to exist with an order to effectually destroy such injurious insects or worms or contagious disease by spraying such trees or vines with a poisonous solution, or in case of contagious disease to effectually disinfect said diseased trees or vines, or in case of San Jose or other scale insect to effectually spray or destroy such infested trees, within

such time from the date of the service of the notice as such commissioners shall designate, said notice and order to be signed by the full board of commissioners. [5692.]

Owner neglecting to spray: Whenever any person shall refuse or neglect to comply with the order to spray or disinfect the orchards or vineyards designated by the commissioners, as aforesaid, or in case of San Jose scale or other scale insects to effectually spray or destroy such infested trees, it shall become the duty of the commissioners to cause said trees or vines to be effectually sprayed with a poisonous solution or disinfected as occasion should require, or in case of San Jose scale or other scale insect, to effectually spray or destroy such infested trees forthwith, employing all necessary aid for that purpose, and the expenses for the same shall be a charge against the township, and for said spraying, disinfecting or destroying, the said commissioners, their agents or workmen, shall have the right and power to enter upon any and all premises within their township. [5693.]

Penalty for neglect: If any owner, township officer or commissioner neglects or refuses to comply with the requirements of this law, as set forth in the preceding sections, and within the time therein specified, such person shall be deemed guilty of a misdemeanor, and punished by fine not exceeding fifty dollars, or imprisonment in the county jail not exceeding sixty days, or by both such fine and imprisonment in the discretion of the court, and any justice of the peace of the township where such trees or vines may be growing shall have jurisdiction thereof. [5694.]

Compensation of commissioners: The several commissioners shall be allowed for service under this act, two dollars for each full day, and one dollar for each half day, and their other charges and disbursements hereunder to be audited, as well as any other charges and disbursements under this act by the township board, all of which costs, charges, expense and disbursements shall be recovered by the township from the owner of said infected or infested orchards or vineyards, or from the owner of the premises on which said trees or vines may be growing, in an action of assumpsit. The provisions of this act shall not apply to the contagious disease known as yellows. [5695.]

III. San Jose Scale and Other Diseases of Trees, Shrubs, Etc.

Inspector of nurseries; duties, etc.: It shall be the duty of the State Board of Agriculture, immediately upon the taking effect of this act, to appoint some competent person who shall be known as the State Inspector of Nurseries and Orchards, who shall hold office during the pleasure of said board, whose duty it shall be to inspect any and all nurseries in the State of Michigan, as to whether they are infested with San Jose scale or other injurious or destructive insects, or infected with infectious or contagious diseases, and, if, upon such inspection, he

finds no such dangerous insects or diseases, he shall, upon a payment of a per diem fee hereinafter provided, give to the owner of said nurseries a certificate to that effect, and shall file a duplicate certificate with the State Board of Agriculture. In case he shall find present in any such nursery any of said dangerous insects or diseases, he shall notify the owner thereof in writing, and shall direct him within five days to use such means as will exterminate such diseases or insects, and the owner of such nursery shall not ship or deliver any such trees, vines, shrubs or plants until he shall have secured from said inspector a certificate as aforesaid. [5696.]

Duty of owner of nursery; to burn plants, etc., infested with San Jose Scale: The owner of such nursery, trees, vines, shrubs or plants shall, within the time specified in such notice, take such steps for the destruction of such insects or diseases as will exterminate the same, and he shall not ship nor deliver any such trees, vines, shrubs nor plants affected with such dangerous diseases or insects under the penalty of a fine of one dollar for every tree, vine, plant or shrub so affected, when shipped or delivered from such nursery, which fine shall be collected by suit by the prosecuting attorney of the county in which said nursery is located. [All nursery trees, plants, shrubs, buds or cuttings found to be infested with San Jose scale must be destroyed with fire by the owner within five days after a written notice to that effect has been received from the State Inspector of Nurseries and Orchards, and all trees, plants, shrubs, buds or cuttings, commonly called nursery stock, and of kinds likely to be infested, grown in any nursery in this State, in which San Jose scale has been found, within two years of the date of dissemination of said nursery stock, or grown in said nursery within one-half mile of where said scale has been found, and also all nursery stock from outside of this State, to be disseminated or planted in this State, after the first day of July, nineteen hundred three, must be fumigated with hydrocyanic gas in such manner as may be directed by the State Inspector of Nurseries and Orchards of this State.] [5697.]

Penalty for refusal to destroy infected plants, etc.: Whenever it shall happen that the State Inspector of Nurseries and Orchards shall give the notice heretofore required to the owner of a nursery, for the destruction of the insects or diseases mentioned, and said owner shall fail or neglect to take the measures necessary for the destruction thereof within the time mentioned in the notice given him, it shall be the duty of the State Inspector of Nurseries and Orchards to have the proper remedies applied to such nursery for the destruction of such diseases or insects, and shall employ all necessary assistance and may enter the premises of said owner of such nursery for the purpose of treating and exterminating such insects or diseases, and the said owner of such nursery shall be liable for the costs of such proceeding, and for the services of the inspector at a rate per diem to be fixed by the State Board of Agriculture, not to exceed three dollars per day, and for such

number of days as said board shall determine, which charge must be paid before delivery of the certificate in section one of this act. [5698.]

Packages of plants, etc., how marked; when packages not properly marked: Whenever any trees, shrubs, plants or vines are shipped into this State from any other state, country or province, every package thereof shall be plainly labeled on the outside with the name of the consignor, the name of the consignee, the contents, and a certificate showing that the contents have been inspected by a state or government officer [and that the trees, shrubs, vines or plants commonly known as nursery stock, therein contained, have been fumigated with hydrocyanic gas, of the strength commonly used for such purpose, for not less than thirty minutes]. Whenever any trees, shrubs, vines or plants are shipped into this State without such certificate plainly fixed on the outside of the package, box or car containing the same, the fact must be reported within twenty-four hours to the State Board of Agriculture by the railway, express or steamboat company, or by any other person or persons carrying the same; and any agent of any railway, steamboat or express company, or any other person or persons who shall violate the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than twenty-five nor more than one hundred dollars, or imprisonment in the county jail not less than five nor more than thirty days, or may be so fined and imprisoned in the discretion of the court. [5699.]

Nursery owners to apply for license; to give bonds; proviso: Any person or persons growing or offering for sale in this State any trees, vines, shrubs, or plants commonly known as nursery stock, shall, on or before the first day of August in each year, apply to the State Board of Agriculture, for inspection of said stock under the provisions of this act and a license for its sale, and shall deposit with said board a fee of five dollars as a license fee for himself as principal. Such license shall be good for one year and shall not be transferable, and each of such persons, principals, shall execute to the State Board of Agriculture, a bond in the sum of one thousand dollars, with good and sufficient sureties satisfactory to said board, conditioned that he will comply with all the provisions of this act, and that upon demand he will file with the State Board of Agriculture, a list of persons to whom he has sold or delivered any such nursery stock, giving the species, together with the postoffice address of each purchaser, which list shall be held in strict confidence by the said State Board of Agriculture, and not be subject to inspection by the public. Failure on the part of any nurseryman, grower, agent or dealer to comply with the provisions of this section shall render him or them liable to the penalties of a fine of not more than one hundred nor less than twenty-five dollars, or imprisonment in the county jail for not more than ninety nor less than thirty days, or both such fine and imprisonment in the discretion of the court: *Provided,* That the provisions of this section shall not apply to persons engaged in fruit growing

who are not nurserymen who desire to sell or exchange surplus small fruit plants of their own growing. [5700.]

Foreign firms to obtain license to sell in this state; to file bond and certificate: No person, firm or corporation resident of another state, province or country shall engage or continue in the business of importing any trees, plants, shrubs or vines, commonly known as nursery stock, into this state or of selling such importations within the state, or of selling such articles within the state, for subsequent importation into it, without first having obtained from the state board of agriculture a license to do business in this state as provided in section five of this act, and shall have filed with the state board of agriculture the bond therein required, together with a certificate of inspection by a state or government inspector or that of some person designated by the Michigan state board of agriculture for such purpose. [5701.]

Upon receipt of fee board to issue license: The state board of agriculture shall, upon receipt of the fee referred to in this act, together with the required bond and a satisfactory certificate of inspection, issue licenses to the applicant according to the provisions of this act. [5702.]

When commissioners uncertain, may apply to state inspector: Whenever the commissioners shall be uncertain as to the existence or nature of any infectious or contagious disease or dangerous insect pests in an orchard or elsewhere, or in any case any dispute shall arise between owners and commissioners, it shall be the duty of said commissioners to notify the State Inspector of Orchards and Nurseries, who shall at once investigate or inquire into the matter and suggest or recommend the proper remedies, and give all the information he can to aid in exterminating such insects or diseases, and his decision of the case and recommendations shall be final. [5703.]

When commissioners may enter premises and inspect orchards; in case owner refuse, how to proceed: It shall be the duty of the state inspector, whenever it shall come to his knowledge that any destructive insects or infectious or contagious diseases exist in any orchard in this state, or are supposed to exist, to investigate the case, and if such dangerous insects or diseases are found, he shall have authority to enter upon the premises and proceed according to the provisions of section one, two and three of this act, in exterminating the same. In case the owner or occupant of the premises shall refuse or neglect to comply with the orders of said inspector within five days, the inspector shall employ such aid as may be necessary to carry out his orders and recommendations, the expenses of which procedure shall be certified to the township board and by them allowed, who shall cause the same to be assessed as a special tax upon the premises concerned. [5704.]

May appoint deputies: The state inspector of orchards and nurseries shall have power to appoint such number of deputy inspectors as may be required, subject to approval by the state board of agriculture. [5705.]

Expenses; how audited: All expenses incurred under the provisions of this act shall be audited by the State Board of Agriculture and paid out of the general fund of the State and the Auditor General shall draw his warrant for the same: *Provided,* That all moneys collected by the State Board of Agriculture, under this act, shall be paid into the general fund of the State treasury. [5706.]

IV. Fruit Trees on or Near Boundary Line; Ownership of Fruit.

The owner of the land on which a fruit tree stands is the owner of the whole tree and the fruit thereof although the roots and branches of such tree may grow across and hang over the boundary line upon the land and domain of another. The fruit although growing upon branches projecting over the line and upon ripening falls upon the ground of the adjoining owner, belongs to the owner of the land upon which the body of the tree stands, and he may pick it from such projecting branches or go upon the adjoining owner's land for such fruit after it ripens and falls, and is not a trespasser by such act. The only lawful right or privilege which such adjoining owner may exercise with reference to such tree is, that he may cut off the branches up to the line; but he is a trespasser if he remove the fruit from such branches before severing them. These views of the law are sustained by the decisions in the following cases: The cases cited where the body of a tree stand *upon* the boundary line when applied to fruit trees would seem to lead to the conclusion that the adjoining owners have an equal right in the tree, and, consequently an equal right in the fruit.[2]

NOTES — 1. The owner of the tree is not entitled to the fruit of a tree growing on the land of another, although the branches overhang his land. Hoffman vs. Armstrong, 48 N. Y., 201. In this case the owner of the tree attempted to pick cherries on branches hanging over the line when the owner of the tree of the adjoining propery assaulted the picker. The court instructed the jury that owner of the tree owns the whole of it.

When an apple tree stood six feet from the division line and its branches and roots crossed the line, the tree and the fruit were the sole property of the owner of the land on which the tree stood, and the party over whose land the branches projected across the line could not pick the fruit without being guilty of trespass. Skinner vs. Miller, 38 Vt. 115.

Where the tree stands four feet from the line and some of the branches overhang adjoining land, the fruit on those branches belong to the owner of the tree, and the owner of the land over which they hang is a trespasser if he removes the fruit. If the branches are a nuisance, he has a right to remove them. Lyman vs. Hale, 11 Conn. 177.

If the fruit of a tree belonging to A fall upon the land of B, and A go upon the land of B to take it away, an action of trespass does not lie, because the falling of this there could not be prevented. Miller vs. Fawdry, Latch, 120 dictum.

2. A tree standing so nearly upon the boundary line that portions of its body extend into each, the same is the property in common of the landowners. And neither of such owners is at liberty to cut the tree without the consent of the other,

nor, to cut away the part which extends into his land, if thereby injures the common property in the tree. 1 Washburn on Real Property 7 § a, 29 h, R. A. 585.

A tree standing on the boundary line is the common property of both parties whether marked or not, and trespass will lie, if one attempt to destroy it without the consent of the other. Griffin vs. Bixby, 12 N. H., 454.

Insecticides.

(Spraying substances.)

Public Act No. 91 approved May 18, 1909 provides against fraud in the sale of Paris green as an insecticide and Public Act No. 163 approved June 1, 1909 defines "Spraying Substances" used in spraying or fumigating fruit trees, as insecticides or fungicides or for other purposes and regulates the sale thereof. The Director of the agriculture experiment at East Lansing is given supervisory authority in carrying these laws into effect.

CHAPTER 13.

Fish Laws.

Laws Relating to Fish.

I. General laws protecting fish and regulate fishing.
II. Season for black bass.
III. Taking and catching fish in inland lakes.
IV. Certain nets not to be used in Little Traverse Harbor.
V. Spearing of fish; when and where allowed.
VI. Rights in navigable or meandered waters.
VII. Erection of fish shutes and ladders.
VIII. Protection of fish under certain size.
IX. Offal not to be put in waters of state.

As this book is designed to contain only those laws which relate directly to the farm and kindred matters, it would not be expected that laws relating to another great industry or occupation should be given. This, however, would be the task before us if we were to attempt to give all the laws relating to fish. The fisheries of the State are so extensive and so many laws for their proper regulation and protection in the various sections of the State, have been enacted, that one-half of the intended size of this volume would be occupied with them. We have therefore, furnished only such general laws as apply particularly to the streams of the State. No attempt is made to give any of the numerous local laws which apply only to certain townships or counties, or to certain streams or bodies of water.

I. General Laws.

[Act 111, P. A. 1889, as amended in 1907.]

The People of the State of Michigan enact:

SECTION 1. **When unlawful to catch certain fish:** No persons shall catch or take from any lake, river or stream of this State by any means whatever, any speckled trout, land lock salmon, grayling, California trout, Lock Leven trout or steel head trout, from the first day of September to the first day of May following. [As approved May 18, 1909.]

Sec. 2. **Unlawful to buy or sell:** No person shall knowingly purchase, buy or sell, or attempt to purchase, buy or sell, any of the kinds of fish named in the foregoing section during the respective prohibited periods above named.

Sec. 3. **To kill any fish with dynamite, etc.:** It shall not be law-

ful hereafter at any time to kill or destroy or attempt to kill or destroy, any fish in any of the waters of the State of Michigan by the use or aid of dynamite, herculean or giant powder, or any other explosive substance or combination of substances or by the use of Indian cockle or other substance or device which has a tendency to stupefy the fish.

SEC. 4. **When unlawful to spear, etc.; proviso:** It shall be unlawful for any person or persons to take, catch or kill, or attempt to take, catch or kill, any fish by the use of any kind of spear during the months of March, April, May and June of each year in any of the waters of this State, except Lakes Michigan, Superior, Huron, St. Clair and Erie, and in Saginaw Bay: Provided, however, That the spearing or catching by dip net of mullet, grass-pike, redsides and suckers shall not be unlawful.

SEC. 5. **Unlawful to fish in certain manner in certain lakes; except, etc.:** It shall be unlawful for any person or persons to take or catch, or attempt to take or catch, any fish at any time with seines, pound nets, gill nets or any species of nets, in any of the waters of this State, except Lakes Michigan, Superior, Huron and Erie, and the bays and harbors connected with said lakes, Saginaw bay and the Sault Ste. Marie, St. Clair, Saginaw and Detroit rivers. It shall be unlawful for any person to take, catch or kill any fish in any manner whatsoever, except by hook and line, in the St. Clair river below the village of Algonac, in St. Clair county, or in any of the channels through which the said river empties into Lake St. Clair, or in any of the bays, channels or other waters known as the St. Clair flats, and that part of Lake St. Clair lying north, northeast, and east of a line drawn from the south end of the Unites States ship canal at the mouth of the south or main ship channel to the mouth of the Milk river: Provided, however, That the use of dip nets in catching mullet, redsides and suckers shall not be unlawful. [As approved May 12, 1909.]

SEC. 6. **Unlawful to take except with hook and line:** It shall be unlawful for any person or persons to take, catch or kill, at any time, any speckled or brook trout, German trout, California trout, land-locked salmon, Loch Leven trout, steel head trout, or grayling, or any black, strawberry, green or white bass, or sturgeon in any manner whatever except by hook and line, in any waters of this State, excepting Lakes Superior, Michigan, Huron and Erie, and the bays and harbors connected with said lakes and Saginaw Bay, or in any other waters under the provisions of any local act.

SEC. 7. **Unlawful to take under certain size:** It shall be unlawful for any person or persons to kill or capture, in any manner whatever, in any of the waters of this State, or to have in possession, any brook

trout, speckled trout, California trout, land-locked salmon, Loch Leven trout, steel head trout or grayling of a size less than seven inches in length.

SEC. 8. **For four years after stocking:** Hereafter it shall not be lawful for any person to take or catch, by any means whatever, any brook trout, Loch Leven trout, steel head trout, grayling or California trout from any stream in which brook trout, Loch Leven trout, steel head trout, grayling or California trout are not native, and which may have been stocked with such fish by the State board of fish commissioners, for the period of four years after the first planting of any such fish therein.

SEC. 9. **Sale of certain fish unlawful:** It shall not be lawful at any time hereafter for any person or persons to catch or capture, by any means whatever, for the purpose of sale or to ship for the purpose of sale, any brook trout, grayling, large mouth black bass, small mouth black bass or white bass from any of the inland waters of this State.

SEC. 10. **Unlawful to fish in private waters; notices:** It shall be unlawful for any person or persons to kill or take speckled trout or other fish from any private waters used for the propagation of such fish except by the consent of the proprietor of such private waters. It shall be the duty of the proprietors of any such private waters who are engaged in the propagation of fish as contemplated by this section to post or cause to be posted in a conspicuous manner public notices painted on boards in large and plain letters that the owner, naming him, is engaged in such business and warning all persons from killing or taking any fish in the waters named in such notices.

SEC. 11. **Unlawful to take certain fish except for bait:** It shall be unlawful, at any time hereafter, to take, catch or kill or destroy or attempt to take, catch or kill or destroy any minnows or small fry fish in any of the waters of this State, for other purposes than for fish bait.

SEC. 12. **To use seines, etc., within certain distance from fish shute:** It shall not be lawful hereafter for any person to fish with any species of seines or nets within a radius of one hundred feet of or from any fish shute or ladder, dam to which a fish shute or ladder is attached, nor to hinder or frighten fish from a free passage up or down a fish shute or ladder.

SEC. 13. **To use weir dams and similar devices:** It shall not be lawful for any person or persons to place a weir dam, fish weir, weir net or other device across any race, stream, lake or river of this State, in such a manner as to obstruct the free passage of fish up and down the same; and any person violating this section shall in addition to the penalty provided for in section fourteen of this act, be liable to the payment of two dollars per day for every day that he shall continue such violation after having been duly notified by an elector of the township wherein such fish weir or weir net may be, feeling himself aggrieved thereby, to remove the same, said penalty or penalties to be recovered

before any court of competent jurisdiction in the township or county where such offense shall have been committed; and in default of payment thereof, shall be confined in the county jail until such fine and costs shall be paid; but such confinement shall not exceed thirty days.

SEC. 14. **Penalty for violation of law:** Any person who shall be found guilty of a violation of any provision of this act, except those provisions contained in section three hereof, shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than five dollars and not more than one hundred dollars and the costs of prosecution, and in default of payment thereof shall be confined in the county jail until such fine and costs shall be paid; but such confinement shall not exceed thirty days. Any person guilty of a violation of section three of this act may be punished in the discretion of the court by a fine of not less than twenty-five dollars and not more than one hundred and fifty dollars, and in addition thereto by imprisonment in the county jail for not less than thirty days nor more than one hundred fifty days. [As amended by Public Act No. 11 approved March 18, 1909.]

SEC. 15. **Limit as to number:** It shall be unlawful for any person under the penalties provided in section fourteen of this act, to kill or capture in any of the lakes, rivers or streams in this State, or any of their tributaries, more than fifty fish of any of the kinds hereinbefore mentioned in any one day, or to take with him therefrom or to have in his possession at any point away therefrom more than one hundred fish of said kinds at any one time.

II. Season for Black Bass and Other Bass.

Bass under certain size protected.

Number to be caught in any one day. [Public Act No. 59, approved May 5, 1909.]

SECTION 1. It shall be unlawful to take, catch or kill or attempt to take, catch or kill in any manner or by any means whatever, in any of the waters of this state, any small-mouthed black bass, big-mouthed black bass, silver, calico, white or strawberry bass from and after the first day of February in each year up to and including the fifteenth day of June thereafter.

SEC. 2. It shall be unlawful for any person or persons to take, catch or kill in any of the waters of this state any small-mouthed black bass or big-mouthed black bass of less than ten inches in length, or to catch, take or kill in any one day more than ten of the above named fish of any size, or to take with him therefrom, or to have in his possession at any place in this state more than ten of said kinds of fish at any one time.

SEC. 3. It shall be unlawful for any person or persons to take, catch or kill in any of the waters of this state any strawberry bass, white bass, silver or calico bass less than seven inches in length, and it shall be un-

lawful for any person or persons to catch, kill, or capture in any one day more than twenty of the above named fish of any size, or to take with him therefrom, or to have in his possession at any place in this state more than twenty of said kinds of fish at any one time.

SEC. 4. It shall be unlawful at any time hereafter for any person or persons to sell or offer for sale or ship for the purpose of sale any small-mouthed black bass, big-mouthed black bass, strawberry, silver or calico bass, or white bass, within the borders of this state.

SEC. 5. Any person or persons violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof before any court of competent jurisdiction shall be punished by a fine of not less than ten dollars nor more than fifty dollars, together with costs of prosecution, or imprisonment in the county jail for a period not exceeding sixty days, or both such fine and imprisonment in the discretion of the court.

SEC. 6. All acts or parts of acts in anywise inconsistent with or contravening the provisions of this act are hereby repealed.

NOTE: See also "Protection of Fish under certain weight" following.

III. Taking and Catching of Fish in Inland Lakes.

[Act 159, P. A. 1891.]

Unlawful to fish in inland lakes except with hook and line, etc.: It shall not be lawful for any person to take, catch or kill, or attempt to take, catch or kill, any fish in any of the inland lakes in this State with any kind of spear or grap-hook, or by use of jacks or artificial light of any kind, or by the use of set lines or night lines, or any kind of net, or any kind of firearms, or explosive, or other device except the hook and line. [5849.]

What to be evidence of violation of act: In all prosecutions under this act it shall be prima facie evidence, on the part of the people, of the violation of the provisions of this act to show that the defendant was found upon the waters of said lakes, with spear, net, trap net, set lines, jack or artificial light of any kind, or with dynamite, giant powder or any other explosive substance or combination of substances. [5850]

Penalty for violation: A fine not to exceed twentp-five dollars and costs of prosecution, or imprisonment in the county jail not to exceed thirty days, or by both such fine and imprisonment in the discretion of the court. Local acts not repealed hereby. [5851.]

IV. Certain Nets Not to be Used in Little Traverse Harbor.

[Act 179, P. A. 1901.]

SECTION 1. **Unlawful to use nets, etc., in certain waters:** It shall be unlawful for any person or persons to take or catch fish of any kind, with gill nets, trap nets, seines or other device of any kind, except hook and line, in that part of Little Traverse Bay on Lake Michigan, known as Little Traverse Harbor, and lying inside or north and west of Harbor

Point and a line starting from a point on the shore directly east of Harbor Point light house, and running east to a point on the township line between township thirty-five north, of range five west, and township thirty-five north, of range six west; thence north to the north shore of Little Traverse Harbor.

SEC. 2. **Penalty for violation:** Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than fifty dollars or by imprisonment in the county jail or the Detroit house of correction for a period of not more than ninety days or both such fine and imprisonment in the discretion of the court.

SEC. 3. Repeals inconsistent acts.

V. Spearing of Fish; When and Where Allowed.

[Act 50, P. A. 1897.]

Lawful to spear fish between December and March of each year; waters exempted from provisions of this act: It shall hereafter be lawful in the months of December, January, February and March in each year to take, catch or kill through the ice by the use of a spear, any and all kinds of fish, except brook trout, rainbow trout, German or brown trout, grayling, land-locked salmon and black bass in any or all of the inland lakes and streams of this State, including Lake St. Clair and that part of the St. Clair river below the village of Algonac, in St. Clair county, the channels through which said river empties into Lake St. Clair, and other channels and bayous comprising the waters of said lake: Provided, That all waters, lakes and streams in this State except Maple river, which are now protected from spearing by any local act of the legislature of this State, shall be exempt from the provisions of this act. [5888.]

VI. Rights in Navigable or Meandered Waters.

[Act 121, P. A. 1891.]

Where lawful to fish with hook and line: In any of the navigable or meandered waters of this State where fish have been or hereafter may be propagated, planted or spread at the expense of the people of this State or the United States, the people shall have the right to catch fish with hook and line during such seaosns and in such waters as are not otherwise prohibited by the laws of this State. [5859.]

Of actions at law; defendant may dispute title and possession: No action at law shall be maintained against persons entering upon such waters for the purpose of such fishing, by the owner, lessee or persons having the right of possession of adjoining lands except for actual damage done. In any such action the defendant under a proper notice may dispute on the trial the plaintiff's right to either title or possession of the land claimed to be trespassed upon. [5860.]

VII. Erection of Fish Shutes and Ladders.

The law with reference to the erection of fish shutes and ladders will be found in Act 246, passed in 1861; Act 166, passed 1893; Act 130, passed 1895; local Act 446, passed 1895, and Public Act No. 295 passed 1909, said acts being too extensive to be given in this book.

VIII. Protection of Fish Under Certain Weight.

[Act 213, P. A. 1895.]

Unlawful to catch fish under certain weight with nets: It shall not be lawful for any person or persons to take or catch with any species of net whatsoever, and retain for sale or use, any black bass, or sell or offer for sale or make use of any perch of a less weight than four ounces, or any pike, pickerel or catfish of a less weight than one pound, and it shall be the duty of any person who shall take any perch, pike, pickerel or catfish of a less weight than herein prescribed, or any black bass of any size, to replace the same alive and without injury in the waters from which the same were taken. [5852.]

NOTE: See Public Act No. 59 approved May 5, 1909, amending this section as to bass.

NOTE: It is unlawful to take brook trout, speckled trout, rainbow trout and California trout, under eight inches in length from Au Sable River or its tributaries.

Penalty for violation of act: Any person who shall be found guilty of a violation of any of the provisions of this act shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than ten dollars, nor more than fifty dollars, together with the costs of prosecution, and in default thereof shall be confined in the county jail until such fine and costs shall have been paid, but such confinement shall not exceed thirty days. [5853.]

IX. Offal Not to be Put in Waters of State.

Putting of offal, etc., into water prohibited; waste matter from certain paper mills: It shall be unlawful for al persons to put into any of the waters of this State, where fish are taken, any offal, blood, putrid brine, putrid fish or filth of any description, and any person so offending shall be confined in any sum not exceeding three hundred dollars, or imprisonment not exceeding thirty days, or both, at the discretion of the court: Provided, however, That this act shall not be construed to apply to discharging the waste matter of any paper mill into any of the streams or their tributaries on sections thirteen, twenty-three and twenty-four of Schoolcraft township, Kalamazoo county. [5854.]

Offal, how destroyed: All fish, offal or filth of any description whatsoever, accruing from the catching and curing of fish, shall be burned or buried ten rods distant from the beach or shore of the river or lake. [5855.]

CHAPTER 14.

Game Laws.

I. Protection of game and birds; general law.
II. Protection of European partridge.
III. Hunting or camping on forest reserve.
IV. Possession, use, transportation and sale of fish and game.
V. Regulation and licensing the use of firearms in hunting deer.
VI. Regulating use of firearms in hunting game birds and animals.
VII. Protection of deer and elk in certain counties.
VIII. Protection of smaller game and birds in certain localities.
IX. Hunting on enclosed lands.
X. Negligent shooting of human beings by hunters.
XI. Protection of fur-bearing animals.
XII. Public shooting grounds.
XIII. Use of ferrets in hunting rabbits, where unlawful.
XIV. Hunting on Sunday, where unlawful.
XV. Shooting wild geese and Brant in Chippewa county.

I. Protection of Game and Birds; General Law.

[Act 257, P. A. 1905, as amended in 1907.]

The People of the State of Michigan enact:

SECTION 1. **Game, property of state:** That all wild animals and wild birds, both resident and migratory, in this State, shall be, and are hereby declared to be, the property of the State.

SEC. 2. **Protection of deer in certain counties until 1908:** That no person shall injure, persue, hunt or kill, or capture, or attempt to injure, pursue, hunt, kill or capture by any means whatever, any deer on the islands of Bois Blanc or Grand Island or in the counties of Lapeer, Huron, Sanilac, Tuscola, Macomb, Allegan, Ottawa, St. Clair, Lake, Osceola, Clare, Mason, Manistee, Wexford, Missaukee, Newaygo, Mecosta, Isabella, Benzie, Leelanau, Grand Traverse, Oceana and Gladwin until the first day of January, nineteen hundred eight, and thereafter only at the time, in the manner and for the purpose authorized by law. (a)

SEC. 3. **Moose, elk, etc., protected for 8 years:** No person shall hunt, pursue, capture or kill or attempt to hunt, pursue, capture or kill any moose, elk or caribou in this State for a period of eight years from and after the date this act shall take effect.

SEC. 4. **Deer season; number may kill:** No person shall hunt, pursue or kill, or attempt to hunt, pursue, capture or kill any deer in this State, save only from the tenth day of November to the thirtieth day of November, both inclusive, in one year. No person shall kill more

than two deer in any one year, and then only at the time, in the manner and for the purpose authorized by law.

SEC. 5. **Game not to be sold; proviso as to shipping:** No person shall by himself, his clerk, servant or agent, expose or keep for sale, or directly or indirectly, upon any pretense or device, sell or barter, or in the consideration of the purchase of any other property, give to any other person any of the protected animals or birds mentioned in this act within the State of Michigan, nor shall any person or persons, or any corporation acting as a common carrier, its officers, agents or servants, ship, carry, take or transport either within or beyond the confines of this State, any animal or animals, or portion or portions thereof, or bird or birds protected by this act, except as hereinafter provided: Provided, however, That it shall be lawful to ship, and any corporation acting as a common carrier, its officers, agents or servants may lawfully ship, carry, take or transport either within or beyond the confines of this State any such animal or animals or portion or portions thereof or bird or birds which may be consigned at any station in this State to any consignee in said State, where the nearest railroad route from such shipping point to any such destination within the State, leaves the confines of the State and re-enters the same.

SEC. 6. **Unlawful to kill deer in red coat, etc., nor while in water:** No person shall hunt, pursue or kill, or capture or attempt to hunt, pursue, kill or capture at any time or in any manner, any deer when it is in the red coat or any fawn in the spotted coat, or have in possession the skin of such deer or fawn in the red or spotted coat; and having in possession such deer or fawn or the skin of such deer or fawn in the red or spotted coat shall be deemed prima facie evidence of a violation of this section. Nor shall any person hunt, pursue, kill or capture, or attempt to hunt, pursue, kill or capture any deer while it is in the water.

SEC. 7. **Squirrel season:** No person shall pursue, injure, capture, kill, destroy, or attempt to pursue, injure, capture, kill or destroy any fox squirrel, American squirrel, black squirrel or gray squirrel, save only from October fifteenth to November thirtieth, both inclusive, in each year; nor shall any person pursue, injure, capture, kill or destroy any such squirrel at any time in any public or private park, or in any incorporated city or village.

SEC. 8. **Lights not to be used in hunting deer:** No person shall make use of any artificial light in hunting, pursuing or killing deer, or in attempting to hunt, pursue or capture, or kill any deer, and the wearing or having such light on the head or in possession in the woods shall be prima facie evidence of a violation of this section.

SEC. 9. **Dogs not be used in hunting deer; when dog may be killed:** No person or persons shall make use of a dog in hunting, pursuing or killing deer; the presence of a hound in the woods, hunting camp, logging camp or club house during the deer hunting season shall

be prima facie evidence of their unlawful use. Any dog pursuing, killing or following upon the track of a deer is hereby declared to be a public nuisance and may be killed by any person when so seen without criminal or civil liability.

SEC. 10. **Unlawful to kill pigeon, etc.; pheasants, grouse, etc., protected until 1910:** No person shall kill, capture or destroy, or attempt to kill, capture or destroy by any means whatever, any mourning dove, or any Antwerp or homing pigeon within the limits of this State. It shall be unlawful to kill or capture, or attempt to kill or capture by any means whatever, any pinnated grouse, commonly called prairie chicken, or any Mongolian or English pheasants or any black fowl or capercailzie or any hazel grouse or any wild turkey or any wild pigeon until the year nineteen hundred ten, and then only at the time, in the manner and for the purpose authorized by law.

NOTE: By Public Act No. 251 approved June 2, 1909, the killing or capturing of pinnated grouse commonly called prairie chicken is made unlawful at all times.

SEC. 11. **Quail protected till 1914:** This section as originally enacted protecting quail until 1907, was repealed in effect by the passage of Public Act No. 251 approved June 2, 1909, which provides as follows: "It shall be unlawful to kill, capture, injure or destroy in the State of Michigan, any Virginia partridge, commonly called quail, until the fifteenth day of October, nineteen hundred and fourteen, and then and thereafter only between the fifteenth day of October and the thirtieth day of November, both inclusive, in each year."

SEC. 12. **Partridge, etc., season:** No person shall injure, kill or destroy, or attempt to kill, injure or destroy by any means whatever, any ruffed grouse, commonly called partridge, or any spruce hen, save only from October fifteenth to November thirtieth, both inclusive, in each year: Provided, however, That in the Upper Peninsula ruffed grouse, commonly called partridge, and spruce hen, may be killed from October first to November thirtieth, both inclusive, in each year. And it shall be unlawful during the periods last above in this section mentioned, for any person to kill, injure, destroy or capture by any means whatever, a greater number of ruffed grouse or spruce hen than twelve in one day, and it shall be unlawful for any person to have in his possession or in the possession of any person, firm or corporation for him at any one time, more than fifty ruffed grouse or more than fifty spruce hen.

SEC. 13. **Water fowl, etc.; proviso as to spring shooting; proviso as to geese, etc.; floating devices, etc.; gauge of gun; number which may kill in one day:** No person shall injure, kill or destroy, or attempt to injure, kill or destroy by any means whatever any kind of wild duck, snipe, plover, wood cock, or any kind of wild water-fowl save only from September first in each year to January first of the year following both inclusive and then only from one-half hour before sunrise until one hour after sunset of each day: (b) Provided, however, That

in addition to the open season for wild fowl shooting hereinbefore in this section established, it shall be lawful to hunt and kill blue bills, canvas back, red head, widgeon, pin tails, whistlers, spoon bills, butter ball, and snipe, between the second day of March and the twenty-fifth day of April both inclusive in each year: And provided further, That it shall be lawful to hunt and kill wild geese, brant and saw bill ducks between the first day of September in each year and the first day of January in the year following and from the second day of March to the twenty-fifth day of April. No person or persons shall hunt, pursue, worry or kill any wild water fowl by any means whatever during such time, as said person or persons are upon any floating device or contrivance propelled by or using any motor power, steam, gas, naptha, oil, gasoline or electricity or when upon any sail boat, nor shall any person or persons make use of any swivel or punt gun for killing any of the wild water fowl or make use of any battery, sink boat or similar device whatever, save only a gun of not greater size than ten gauge, such gun to be held in the hand at the time of firing, and it shall be unlawful for any person to kill in any one day more than twenty-five game fowl or birds mentioned in this section, and it shall be unlawful for any person to have at any time in his possession or in the possession of any person, firm or corporation for him, more than seventy-five such game, fowl or birds.

Sec. 14. **Traps, pitfalls, poison, not to be used; nests not to be destroyed, etc.:** No person or persons shall at any time make use of any pit, pitfall, deadfall scaffold, cage, snare, trap, net, baited hook, or any similar device, or any drug, poison, chemical or explosive, for the purpose of injuring, capturing or killing any birds or animals protected by the laws of this State, nor shall any person at any time or in any manner whatever, injure, or destroy or rob the nest, or take, injure or destroy, or have in possession the eggs of any bird protected by the laws of this State; or molest, harass or annoy such birds upon their nests, except as herein provided.

Sec. 15. Dogs, when not to be trained, etc.; proviso; further proviso as to firearms; exception: No person or persons shall molest harass or annoy or break, train or practice, any dog upon any game bird, or animal referred to in this act during their respective closed seasons: Provided, That it shall be lawful for any person or persons to train or practice dogs upon game birds for fifteen days next preceeding the opening of the ruffed grouse season in each year: Provided further, That it shall be unlawful for any such person to have in his possession any firearms while so engaged in training and practicing such dogs. Excepting, however, that the State game and fish warden may in his discretion issue to any bona fide field trial association within this State a permit to kill not to exceed twenty-five quail in any one year in connection with the field trial exhibition of such field trial association.

Sec. 16. **What considered "game birds:"** For the purpose of this

act, the following shall be considered game birds: The Anatidae commonly known as geese, brant and wild ducks; the Rallidae commonly known as rails, coots and gallinules; the Limcolae commonly known as shore birds, snipe, woodcock, plover, sandpipers, tatlers and curlews; the Gallinae commonly known as wild turkeys, pheasants, grouse, prairie chickens and quail. All other species of wild resident or migratory birds shall be considered non-game birds.

SEC. 17. **Wild non-game birds; not to kill, etc.; unlawful to destroy eggs, etc.:** No person within the State of Michigan shall kill, catch, or have in his or their possession any resident or migratory wild non-game bird, living or dead, or purchase, offer, or expose for sale, any such wild non-game bird, after it has been killed or caught, except as permitted by this act, and no part of the plumage, skin or body of any non-game bird protected by this act shall be sold or had in possession for sale, and this irrespective of whether said bird was captured or killed within or without this State, and no person within this State shall take or destroy, or attempt to take or destroy, the eggs of any wild bird, or have the eggs in his or their possession, except as permitted by this act.

SEC. 18. **Birds for scientific purposes:** Section seventeen of this act shall not apply to any person holding a certificate giving the rights to take birds, their nests or eggs, for scientific purposes as hereinafter provided. Such certificates may be granted by a board to consist of three persons who shall be appointed annually, one by the president of the University of Michigan, one by the president of the Michigan Agricultural College, and one by the president of the State Normal College. Such board shall report annually on the first day of December, in writing, to the governor, giving a detail of permits issued, amount of moneys received and how disbursed and any surplus over actual necessary expenses shall be turned over to the State treasurer and credited to the general fund. Such appointments shall be made on or before the fifteenth day of December in each year and the term of office of such appointee shall commence on the first day of January of the year following such appointment and shall continue for one year from and after said date, last mentioned. To any person above the age of fifteen years, who shall present written testimonials from two reputable ornithologists, certifying to the good character and fitness of said applicant to be entrusted with such privilege, such permit may be issued: Provided, That but one permit be issued to any one person and then only authorizing the person holding such permit to take one pair each of the birds and one nest and one nest of eggs of the kind of birds specified in such certificate: Provided further, That the board, upon issuing such permits, shall keep a record of the same and immediately notify the State game and fish warden of the issuing of each permit, which notice shall state the name and age of the holder of the certificate and the kind of birds, nests and eggs authorized to be taken and the place or places where they propose

to hunt the same. A fee of one dollar shall accompany such application for certificate. Such fee of one dollar shall go to said board to cover its necessary expenses. On proof that the holder of said certificate has violated the provisions of this act and has collected for other than scientific purposes, he shall be punished upon conviction of such offense as provided in section twenty-nine of this act. The certificates authorized by this act shall expire on the last day of December of the year of issuance and shall not be transferable, and shall not authorize the holder to take any blue bird or its nest or eggs, any kirtland warbler its nest or eggs, any scarlet tanager its next or eggs, or any red-breasted grosbeak its nest or eggs: Provided, That no person shall by himself, his clerk, servant or agent, expose or keep for sale, or directly or indirectly, upon any pretense or any device, sell or barter, or in consideration of the purchase of any other property give to any person any of the birds, or any part of the birds taken under the provisions of this section.

SEC. 19. **Birds not protected:** English sparrows, black birds, crows, cooper hawks, sharp shinned hawks and great horned owls are not included among the birds protected by this act: Provided, That said birds are not sold or offered for sale or shipped beyond the confines of this State.

SEC. 20. **Carcass, etc., not to have in closed season; provisos:** No person shall have in his possession the dead body or carcass or skin, or any portion thereof, of any animal or bird mentioned or referred to in this act during the time when the killing of such animal or bird is unlawful, except as authorized by law, and excepting specimens, heads or pelts, prepared or mounted for scientific or educational purposes: Provided, however, That any person may have in his possession, for thirty days after the closing of the season, deer lawfully killed during the open season, and may have in his possession for five days after the closing of the season, game birds and other animals lawfully killed during the open season: Provided further, That no person, corporation or transportation company shall receive for transportation, or have in possession at the initial billing station, the carcass or dead body of any animal or bird mentioned or referred to in this act, after forty-eight hours immediately following the closing of the time when the killing of said animal or bird is authorized by law: Provided further, That any person engaged in rearing any of the animals mentioned in this act, within an enclosure, may kill for his own use and consumption at any time any of the said animals, and may sell and transport alive any of the said animals, when accompanied by a permit from the State game and fish warden; and it shall be the duty of the said game and fish warden to issue such permits upon application, when satisfied that such animals were so reared within an enclosure.

SEC. 21. **Permit to non-resident to ship one deer:** The State game and fish warden is hereby authorized to issue to any non-resident of this State, who has taken out a non-resident license to hunt for deer

in this State, a permit to take one deer out of this State, when fully satisfied such deer was lawfully killed by such non-resident, and is for the personal use of such non-resident, and that no part of same will be sold: Provided, That when the county clerk issues a license for killing deer he shall have the party, to whom the license is issued make oath that he will not sell, loan, give or in any way transfer said license; that he will not attach or allow to be attached the accompanying shipping tags to any deer or portion thereof, except such as he may have lawfully killed himself.

SEC. 22. **Prosecutions; what defense to show in certain:** In all prosecutions for a violation of any of the provisions of this act, the person or persons claiming the benefit of section twenty must show affirmatively as a part of his defense on the examination or trial, that the animal or bird of which the dead body or carcass or skin, or any portion thereof, is shown to have been in his possession during the time when by law the killing of such animal or bird is unlawful, was killed at a time, and in the manner, and for the purpose authorized by law, and that his possession at the time complained of was for one of the purposes authorized by said section, and it shall not be necessary for the prosecution to aver or prove that such possession was not for the purposes authorized by said section.

SEC. 23. **Deer skins, permits for transportation, etc.; proviso as to ducks, etc.:** The State game and fish warden is hereby given authority to issue permits for the transportation and sale of deer skins at any season of the year when satisfied that the animals from which such skins were taken were killed at a lawful time and in a lawful manner; each hide so transported or sold shall have attached to it the original license tag, while being so transported or sold. All game being transported under cover, shall be plainly marked on outside of package such game is shipped in, with the name of the consignor and the consignee, the initial point of billing, and the destination, together with an itemized statement of the quantity contained therein: Provided, No game birds shall be shipped by express, freight or baggage or in any other manner except as hand baggage: Provided, however, Nothing in this section shall apply to the interstate shipment of wild ducks or other migratory birds, as provided for in section twenty-seven of this act.

SEC. 24. **Each animal killed, etc., a separate offense; evidence:** The injuring, destruction or killing or capturing or selling, or having in possession of each animal or bird injured, captured, killed or destroyed, sold or possessed contrary to the provisions of this act shall be a separate offense and the person so offending shall be liable to the penalties and the punishments herein provided for each offense. In all prosecutions for a violation of any of the provisions of this act, proof of the possession of the dead body, carcass or skin, or any portion thereof, of any animal or bird mentioned or referred to in this act, except as hereinbefore provided at a time when the killing thereof is unlawful, shall

be prima facie evidence that such animal or bird was killed at a time when the killing thereof was prohibited by law. All persons violating any of the provisions of this act, whether as principal, agent, servant or employe, shall be equally liable as principal, and any person or principal shall be liable for any violation of any of the provisions of this act, by his agent, servant or employe, done under his direction or knowledge.

SEC. 25. **Permits to kill, etc., for certain purposes:** The State game and fish warden is hereby given authority to issue permits to any person to take, capture or kill any animal or game bird mentioned in this act, at any time when satisfied such person desires the same exclusively as specimens or for scientific or propagating purposes. Such permit shall be in writing and shall state the kind and number to be taken, the manner of taking, the name of the person to whom issued, and shall be signed by him, and shall have attached the seal of his department; such permit shall not be transferable, nor shall it be lawful to sell or barter any of the game birds or animals taken under such permits, and the holder of such permit shall be liable to the penalties provided in this act if he violates any of the provisions. A fee of one dollar shall accompany all said applications, which amount shall be immediately forwarded to the State treasurer and then credited to the State game and fish warden fund.

SEC. 26. **Park trustees may transport, etc.:** The State game and fish warden may issue permits to the trustees or custodians of any public park to transport out of this State, any bird or animal held in such park, when satisfied that such transfer is for the purpose of exchange with other public parks outside of this State; such permits shall not be transferable and shall be in writing, and issued under the seal of his department, and shall state the name and location of the public park, to whom issued, the kind and number of birds or animals to be so transferred, the name and location of the public park to which transferred, the kind and number of birds or animals for which exchange is made.

SEC. 27. **Game warden issue certain permits: proviso as to duty of shippers; penalty for violation:** The State game and fish warden may, in his discretion, on application and the payment of a ten dollar fee, issue to individuals owning lands in this State, or bona fide members of clubs who own and maintain game preserves in this State, permits good for the yearly game season, to ship during the season fifty wild ducks or other migratory birds lawfully killed by him or them, on their own premises or the premises of the club of which he or they are members, to his or their respective homes out of the State: Provided, The shipper shall, in each case, make and attach to the package containing such game, his own affidavit, a duplicate copy of which he shall immediately cause to be mailed to the State game and fish warden, setting forth that the wild game birds thus shipped, describing the same, were killed on his premises, or the premises of the club of which he

is a member, describing and designating such premises, and that the game was killed by himself, and is not for sale and will not be offered for sale. Any violation of the privileges herein given shall at once work a forfeiture of the permit granted, and each and every person guilty of violating this section shall be punished as provided in section twenty-nine of this act. The money derived from the payment of fees prescribed in this section shall within ten days after the receipt thereof be forwarded by the State game and fish warden to the State treasurer, and deposited in the proper fund in the State treasury, and so much of said moneys as shall be so transmitted to the State treasurer shall be paid out by the Auditor General on his warrant, but only in payment for services rendered by the State game and fish warden and his deputies as allowed by law for such services and the necessary traveling expenses in enforcing the game and fish laws of this State, upon itemized bills duly certified by the State game and fish warden and allowed by the board of state auditors.

SEC. 28. **Warden to enforce act; Michigan Audubon Society; duty; bond:** It shall be the duty of the State game and fish warden and all deputy wardens, sheriffs, deputy sheriffs and constables, to enforce the provisions of this act, and the Michigan Audubon Society, a body incorporated under the laws of the State of Michigan, may name four persons to represent such society in carrying out the provisions of this act. Each person so named shall be duly appointed by the game and fish warden and shall be invested with and exercise all the powers of a deputy game warden, but shall receive no compensation therefor from the State of Michigan or any county thereof. It shall be the duty of the Michigan Audubon Society to assign territory to the persons selected by them to carry out the provisions of this act as above provided and to require a monthly report from each of such persons. Upon complaint that such person or persons so appointed are negligent in their duties assigned to him or them in carrying out the provisions of this act, the said Audubon Society shall report the fact to the game and fish warden, who shall immediately remove such person or persons and upon recommendation of the Audubon Society shall make appointment to fill the vacancy. In pursuance of this provision the said Michigan Audubon Society shall file a bond with the secretary of state in the amount of one thousand dollars, with sufficient sureties, approved by the secretary of state.

SEC. 29. **Penalty for violation of act:** Any person or persons violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof, for the first offense, shall be punished by a fine of not less than ten dollars and not exceeding one hundred dollars, together with cost of prosecution, or by imprisonment in the county jail not exceeding ninety days, or by both such fine and imprisonment in the discretion of the court, and for the second or any subsequent offense, shall, upon conviction, be punished by a fine of

not less than fifty dollars and not to exceed two hundred dollars, or by imprisonment in the county jail not exceeding one year, or by both such fine and imprisonment in the discretion of the court, and in all cases when a fine and cost is imposed the court shall sentence the offender to be confined in the county jail until such fine and costs are paid, for any period not exceeding the maximum jail penalty provided for such offense.

II. Protection of European Partridge.

SECTION 1. **European partridge; protection of:** For a period of five years from and after the passage of this act, it shall be unlawful to kill, capture, injure or destroy any Perdix Cinerea, commonly called European partridge, within the state of Michigan.

SEC. 2. **Penalty:** Any person who shall be found guilty of violating the provisions of this act shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars, and costs of prosecution for each offense, or in default of payment of such fine and costs shall be confined in the county jail or Detroit house of correction, until such fine and costs be paid, but not for more than ninety days.

III. Hunting or Camping on Forest Reserve.

Forest reserve; hunting or camping on: Act 299 of the public acts of 1907 withdraws from sale all Agricultural College lands situated in Alcona and Iosco counties, and declares such lands a forest reserve, under the management of the State board of agriculture, and provides, that "No person shall hunt or camp within the limits of said forest reserve without permission from the board or its agents in charge, and only so long as he complied strictly with the terms of such permit. And for any violation hereof the person so violating upon conviction thereof by any court of competent jurisdicition shall be punished by a fine of not more than one hundred dollars, or by imprisonment in the county jail not more than ninety days, or by both such fine and imprisonment in the discretion of the court."

IV. Possession, Use, Transportation and Sale of Fish and Game.

Possession of fish and game; exceptions: No person shall at any time or in any manner acquire any property in, or subject to his dominion or control, any of the birds, game or fish, the killing, taking or having in possession of which is at any time or at all times prohibited by any of the laws of this State, but they shall always and under all circumstances and conditions be and remain the sole property of the State. By killing, catching or taking the same, however, in the manner and for the purposes authorized by law, and during the periods when their killing is not prohibited by law, the same may be used at the time, in the

manner and for the purposes expressly authorized by law but not otherwise [5804.]

Unlawful to catch fish and game to ship out of state; proviso: No person, company or corporation shall at any time catch, take or kill, or have in possession of or under control, any of the birds, game or fish of this State, the killing of which is at any time or at all times prohibited by law, with intent to ship the same beyond the limits of this State, or with intent to allow or aid in their shipment out of this State; or shall ship or intentionally allow or aid in their shipment out of this State: Provided, however, That fish taken, or caught in lakes Michigan, Superior, Huron and Erie, and the bays and harbors connected with said lakes, and the Sault Ste. Marie, St. Clair, Saginaw and Detroit rivers, may be sold, transported and shipped out of this State. [5805.]

No person to have game or fish caught in other states contrary to law: No person shall at any time have in possession or under control any bird, game or fish cought, taken or killed outside of this State, which was caught, taken or killed at a time, in a manner or for a purpose forbidden by the laws of the state, territory or country where the same was caught, taken or killed, or which was shipped out of said state, territory or country in violation of the laws thereof. [5806.]

Evidence; what necessary to prove: The possession or having under control of any kind of bird, game or fish, the killing of which is at any time or all times prohibited by the laws of this State, shall be prima facie evidence that it was killed in this State, to disprove which it shall be necessary to show by the testimony of the party who actually caught, took, or killed the same, that it was killed outside of this state. Whenever it shall appear that any bird, game or fish of a kind, the killing of which is at any time or at all times prohibited by the laws of this State, was caught, taken or killed outside of this State, it shall be prima facie evidence that such bird, game or fish was caught, taken, or killed at a time, in a manner and for a purpose prohibited by the laws of the state, territory or country where it was caught, taken or killed, and was shipped out of said state, territory or country in violation of the laws thereof, to disprove which it shall be necessary to show by direct and positive evidence that it was killed at a time, in a manner and for a purpose permitted by the law of the state, territory or country where it was killed, and that its shipment out of said state territory or country was not forbidden by the law thereof. [5807.]

Selling prohibited fish and game: No person, company or corporation shall sell, or attempt to sell or expose for sale, or have in possession or under control, for the purpose of selling or exposing for sale, any kind of bird, game or fish at any time when the taking, catching or killing of such kind of birds, game or fish is prohibited by the laws of this State: Provided, however, That nothing in this act shall prevent

the taking or catching alive of birds, game or fish for domestication, propagation or breeding purposes. [5808.]

Quail, partridge or woodcock not to be bartered or sold: No person shall, by himself, his clerk, servant or agent, expose or keep for sale, or directly or indirectly, upon any pretense or any device, sell or barter, or in consideration of the purchase of any property, give to any other person any quail, woodcock or partridge in the state of Michigan. [5809.]

Penalty: Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and on conviction therof shall be punished by a fine of not less than ten dollars and not more than fifty dollars, and the costs of prosecution, and in default of payment thereof shall be confined in the county jail until such fine and costs shall be paid; but such confinement shall not exceed thirty days. [5810.]

Prosecutions: All prosecutions under the provisions of this act shall be commenced within one year from the time such offense was committed. [Refers to Sections 5804 to 5810 inclusive.]

V. Regulating and Licensing the Use of Firearms in Hunting Deer.

License required: That it shall not be lawful for any person to hunt for or kill deer in this State without first obtaining a hunters' license permitting him to do so. [5792.]

Resident to procure license: Any person who has been a bona fide resident of this State for six months then last past may procure a hunter's license for himself, by filing his affidavit with the clerk of the county where he resides, stating his name, age, place of residence, postoffice address, the color of his hair and eyes and the fact of whether he can or cannot write his own name and paying to said clerk the sum of one dollar fifty cents. [5793.]

Non-resident to procure license: Any non-resident of this State may procure a hunters' license by filing his affidavit with the clerk of the county or one of the counties in which he proposes to hunt, stating his name, age, place of residence, postoffice address, color of his hair and eyes and the county or counties in which he proposes to hunt and the fact of whether he can or cannot write his own name and paying to said clerk the sum of twenty-five dollars. [5794.]

License; what to authorize: Such licenses shall be dated when issued and shall authorize the person named therein to use firearms in hunting for or killing deer for the deer hunting season of that year, but only in the manner and at the times provided by law: Provided, That nothing in this act or in the license issued thereunder shall be so construed as to permit the hunting or killing of deer in any county of this State, where the hunting or killing thereof is prohibited by law. [5995.]

Duty of county clerks; must keep record: County clerks shall issue licenses under the seal of their office, to all persons complying with

the provisions of this act and shall sign the same and each coupon attached thereto and shall require the person to whom the license is issued to sign his name in the margin thereof, and if such applicant shall not be able to write, he shall certify such fact in the margin and have him sign by his mark and shall fill out correctly and preserve the blank stubs attached thereto. He shall keep a correct and complete record of all licenses issued in a book to be furnished by the secretary of this State, which record shall remain in his office and be open to the inspection of the public at all times. [5796.]

Clerk's fee; monies to be forwarded to state treasurer; disposition of monies: Such clerk shall retain for his own use out of the moneys received for each license issued the sum of twenty-five cents, which shall cover the swearing of the applicant to the affidavit herein referred to, and all other services under this act and shall pay the balance to the county treasurer of his county on the first day of March, May, September and December of each year, specifying the amount thereof received for the resident and for non-resident licenses. Said county treasurer shall forthwith forward to the State treasurer all sums of money received my him for non-resident licenses and one dollar of each license fee received by him for resident licenses and the balance he shall hold in his hands to be used as hereinafter provided. The amount remaining in the hands of the county treasurer shall be paid out upon orders of the board of supervisors, but only for services rendered by sheriffs, constables, deputy game wardens and county game wardens, in enforcing the game and fish laws of this State in said county. All moneys to be retained by the county treasurer under the provisions of this section against which orders have been drawn by the board of supervisors shall be paid into the State treasury at the expiration of one year after the year in which the license was issued. So much of said moneys as is paid into the State treasury shall be paid out by the auditor general upon his warrant, but only in payment for services rendered by the State game and fish warden and his deputies as allowed by law for such services, and the necessary traveling expenses in enforcing the game and fish laws of this State, upon itemized bills duly certified by the State game and fish warden and allowed by the board of state auditors, whose duty it shall be to audit and allow the same. [5797.]

Secretary of state to furnish license, etc.; to furnish blank affidavits; Number to be delivered to county clerk; Unused licenses to be returned to secretary of state: The licenses for residents and non-residents shall be printed by the secretary of state on the best tag board with coupons properly eyeletted, so different in color as to be easily distinguished, and the resident and non-resident shall be numbered consecutively. The resident licenses shall be bound in book form of not less than fifty in each book and the non-resident licenses in not less than five in each book. The secretary of state shall also prepare and print blank affidavits for resident and non-resident hunters' license, and shall

bind such affidavits in book form, the non-resident five and the resident not less than fifty in each book, which affidavits shall be numbered consecutively and corresponding in number and color with the licenses. The secretary of state shall deliver to the clerk of each county as soon as this act goes into effect and at least ten days before the first day of September of each year thereafter fifty resident and five non-resident licenses and fifty resident and five non-resident affidavits, and as many more as may be required, and shall charge said clerk with the number so issued to him. On the fifteenth day of December of each year and within ten days thereafter, each county clerk shall return to the secretary of state all unused licenses and affidavits and used and unused stubs of licenses issued, with a report of the number of resident and non-resident licenses issued, amount of money received, amount retained by him and the amount paid over to the county treasurer of his county for resident and non-resident licenses issued. [5798.]

Form of license, coupons, stubs, etc.: Said licenses, coupons and stubs shall be in the following form:

STATE OF MICHIGAN, } ss.
COUNTY OF ————, }

I, ..., clerk of said county, do hereby certify that ....., whose name is signed in the margin of this license in his own handwriting or who has made oath before me that he cannot write, has filed with me the affidavit required by law for a hunter's license, stating therein that he is a resident of the State of ..... county of ....., and his postoffice address is ....., his age is ..... years, the color of his hair is....., and the color of his eyes is .....

That he has paid me the sum of ..... dollars for this license and is authorized to hunt for, and kill with firearms, all deer which may be killed but which are protected by the laws of this State, but only at the times and places and in the manner provided by law.

Dated ..... 190....

[SEAL.]

....., Clerk.

Signature of holder.

COUPON NO. 3. HUNTER'S LICENSE NO....

Issued by the clerk of ..... county, Michigan, on ..... 190....

This coupon authorizes any person named in said license to ship

one deer, or part thereof, to any point in Michigan but this coupon must accompany it.

.....

Clerk. (Signature of holder.)

Witness .....

Agent.

COUPON NO. 2, HUNTER'S LICENSE NO. ..

Issued by the clerk of .....county, Michigan, on ..... 190....

This coupon authorizes any person named in said license to ship one deer, or part thereof, to any point in Michigan but this coupon must accompany it.

.....

Clerk. (Signature of holder.)

Witness .....,

Agent.

COUPON NO. 1, HUNTER'S LICENSE NO. ....

Issued by the clerk of .....county, Michigan, on ....., 190....

This coupon authorizes any person named in said license to ship one deer, or part thereof, to any point in Michigan but this coupon must accompany it.

.....

Clerk. (Signature of holder.)

Witness .....,

Agent.

[STUB.]

Hunter's License No. .....

County of .....Mich.

Date of issue ..... 190..

Issued to .....

Residence .....

P. O. Address .....

Age .....

Color of Eyes .....

Color of Hair .....

Amount received, $.....

[Sec. 5799.]

Transportation, conditions of: It shall not be lawful for any railroad company, express company, boat or other transportation company to transport any deer or part of a deer from one place to another in this State unless the shipper shall produce his license as provided in this act and sign and detach one coupon therefrom and attach the same to such deer or part thereof offered for shipment in the presence of the

shipping agent, and if he cannot write he shall sign by his mark, which agent shall sign such coupon as a witness and such coupon shall accompany the said deer or part thereof to its destination. [5800.]

Penalty for refusal to exhibit license: Any person found hunting any deer protected by the laws of this State with any kind of fire-arms and who shall refuse to show his license herein provided for, to any sheriff, deputy sheriff, constable, game warden, deputy game warden or county game warden on demand, shall be deemed and held to be guilty of violating the provisions of this section, in addition to violating any of the other provisions of this act, and may be fined upon conviction for such refusal as provided in section twelve of this act. [5801.]

Violations of act defined: Any person who shall procure a license under the provisions of this act by false swearing shall be guilty of perjury and any person who shall by fraud or false statements of any kind [or] of any person who shall attempt to or use the license of another or any person who shall loan or knowingly permit another to use his license or any person who shall use any coupon more than once or who shall remove or willfully destroy any coupon while attached to a deer or part thereof until after it reaches its destination shall be deemed to have violated the provisions of this act. And any county clerk who shall issue a license under the provisions of this act without receiving the amount of money herein provided therefor or who shall refuse or neglect to pay over any money received for his services as herein required shall be guilty of violating the provisions of this act and shall be personally liable for the amount of money he should have collected for such license. [5802.]

Penalty: Any person or persons violating any of the provisions of this act shall upon conviction thereof be punished by a fine not exceed- one hundred and twenty-five dollars and costs of prosecution or by imprisonment in the county jail not exceeding one hundred days or both such fine and imprisonment, in the discretion of the court, and the court shall sentence the offender to be confined in the county jail until such fine and costs are paid for any period not exceeding one hundred days, and in all cases where a fine and imprisonment is imposed, the sentence shall provide that if the fine and costs are not paid at the time such imprisonment expires, the person serving out such sentence shall be further detained in jail until such fine and costs are paid, for any period stated: Provided, That the whole term of such imprisonment shall not exceed six months. [5803.]

VI. Regulating and Licensing the Use Firearms, Etc.

[Act No. 267 passed 1907.]

SECTION 1. **Non-residents to secure license:** It shall not be lawful for any non-resident person to hunt for or kill any game birds or

animals protected by the laws of this State, except deer, without first obtaining a hunter's license, permitting him to do so.

SEC. 2. **How license procured:** Any non-resident of this State may procure a hunter"s license, by filing his affidavit or affidavits with the clerk of the county or one of the counties in which he proposes to hunt, stating his name, age, place of residence, postoffice address, color of his hair and eyes and the county or counties in which he proposes to hunt and the fact of whether he can or cannot write his own name, and paying to said clerk the sum of ten dollars for a hunter's license, required by this section.

SEC. 3. **To authorize use of firearms; form of license; false statements; unlawful use of licenses:** Such license shall be dated when issued and such hunter"s license shall authorize the person named therein to use firearms in hunting for or killing any of the game birds or animals except deer of this State during the open season for hunting such birds or animals, of that year, bua only on the manner and at the times provided by law: Provided, That nothing in this act or in the license issued thereunder shall be so construed as to permit the hunting or killing of any animals in any county or portion of this State, where the hunting, or killing thereof is prohibited by law. Such licenses shall be prepared by the secretary of state, and in form substantially like licenses required for deer hunting, under the provisions of act number two hundred sixty-eight of the public acts of eighteen hundred ninety-seven, being sections five thousand seven hundred and ninety-two to five thousand eight hundred and three inclusive of the compiled laws of eighteen hundred ninety-seven, except that there shall be no coupons thereon. And all provisions of said act, relative to the issuing of licenses, the printing and furnishing of same, penalty for procuring a license by false swearing and for illegally issuing licenses and all other parts of said act, not inconsistent herewith, shall apply to the making, securing and using licenses hereunder.

SEC. 4. **Disposition of moneys:** Such clerk shall retain for his own use out of the money received for each hunter's license issued, the sum of twenty-five cents which shall cover the swearing of the applicant to the affidavit referred to herein and all other services under this act and shall pay the balance to the county treasurer of his county on the first day of March, May, September and December of each year, specifying the amount received for non-resident licenses, and the county treasurer shall forthwith forward to the State treasurer all moneys so received by him and such moneys shall be paid out by the auditor general, on his warrant only for the same purposes for which money received for deer licenses, under the laws of this State, is paid.

SEC. 5. **Transportation of game; proviso as to interstate shipments:** It shall not be lawful for any transportation company to transport any game birds or animals from one place to another in this State, unless the shipper shall produce his license as provided in this act

and the agent of any such company shall endorse on the back of such license, the number and kind of birds or animals shipped and the date of such shipment: Provided, however, That nothing in this section contained shall apply to the interstate shipment of wild ducks or other migratory birds as provided for in section twenty-seven of act number two hundred and fifty-seven of the public acts of the State of Michigan of nineteen hundred five.

SEC. 6. **Penalty for refusal to show license:** Any non-resident person found hunting any game birds or animals protected by the laws of this state, with any kind of firearms, who shall refuse to show his license herein provided for, to any sheriff, deputy sheriff, constable, game warden, deputy game warden or county game warden, on demand, shall be deemed and held to be guilty of violating the provisions of this section in addition to violating any of the other provisions of this act and may be punished upon conviction for such refusal, as hereinafter provided.

SEC. 7. **Persons hunting on own land:** The provisions of this act relative to procuring and using a hunter's license shall not apply to persons hunting on their own land,.

SEC. 8. **Penalty:** Any person or persons violating any of the the provisions of this act shall, upon conviction thereof, be punished by a fine not exceeding fifty dollars and costs of prosecution, or by imprisonment in the county jail not exceeding sixty days, or both such fine and imprisonment, in the discretion of the court, and the court shall sentence the offender to be confined in the county jail until such fines and costs are paid, for any period not exceeding sixty days, * * * .

VII. Protection of Deer and Elk and Other Large Game in Certain Counties.

a. Deer in Emmet, Cheboygan, Benzie, Leelanau and Bay counties for five (5) years from 1907. [Act No. 86 passed 1907.]

b. Deer in Kalkaska county for five (5) years from 1905. [Act No. 380 passed 1905.]

c. Deer in Arenac county for five (5) years from 1907. [Act No. 28 passed 1907.]

d. Deer and elk on Island of Bois Blanc, Mackinac county, until January 1, 1918. [Act No. 238 passed 1907.]

e. Deer, elk, mouse, caribou, antelope and buffalo on Grand Island, Alger county for five (5) years from 1905.

NOTE: By Public Act No. 167 approved June 1, 1909, it is made unlawful for any person or persons to knowingly trap, injure, kill or destroy by any means whatsoever, any deer, or the offspring thereof, which are kept within or which have escaped from any private enclosure.

VIII. Protection of Smaller Game and Birds in Certain Counties.

a. Shooting of wild fowl prohibited in Black River Lake and Black River.
b. Killing of fox, gray or black squirrel prohibited in the village of Paw Paw, or on sections 1, 2, 11 and 12 of Paw Paw township or on sections 6 and 7 in the township of Antwerp in Van Buren county.
c. Partridge, Manitoba grouse, dal-ryper and ptarnigan on Grand Island in Alger county.

IX. Hunting on Enclosed Lands.

Hunting on enclosed lands of another prohibited: It shall be unlawful for any person or persons to hunt for game with firearms, dogs, or otherwise on any enclosed lands or premises of another in any county of this State without the consent of the owner or lessee of such lands or premises. [5823.]

Penalty for violation: Any person or persons violating the provisions of the foregoing section of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall pay a fine not less than five nor more than twenty dollars, in the discretion of the court, and costs of prosecution. And in case the fine imposed and costs of prosecution shall not be paid, the defendant shall be confined in the county jail not less than five nor more than thirty days: Provided, however, That no complaint shall be made or entertained against any person for the violation of any of the provisions of this act, unless the same shall be made by the owner or lessee of the land or premises trespassed against [upon]. [5824.]

X. Negligent Shooting of Human Beings by Hunters.

[Act No. 121 passed 1903.]

Negligently shooting human beings, etc.; penalty: Whoever, while hunting or in the pusuit of game, negligently or carelessly shoots and wounds or kills and human being, shall be punished by imprisonment not exceeding ten years, or by a fine not exceeding one thousand dollars.

Who to prosecute: It shall be the duty of the prosecuting attorney and sheriff in the county in which a violation of the foregoing section occurs, to forthwith investigate and prosecute every person who therein violates the provisions of this act.

XI. Protection of Fur-Bearing Animals.

[Public Act No. 183 approved June 1, 1909.]

SECTION 1. All wild fur-bearing animals found in this state are hereby declared to be the property of the state.

SEC. 2. No person shall take, trap, hunt, shoot, kill or molest or attempt to take, trap, hunt, shoot, kill or molest any bear, otter, fisher, marten, fox, mink, raccoon or skunk from and including the first day of April to and including the thirty-first day of October of each year, nor muskrat from and including the fifteenth day of April to and including the thirty-first day of October of each year, nor shall any person knowingly have in possession the carcass or skin of any one of the fur-bearing animals herein named that was killed during the time when the killing thereof is by this act prohibited.

SEC. 3. No person shall destroy, disturb or molest any beaver house or muskrat house at any time nor at any time set any trap within six feet of a muskrat house; nor shall any person stake, put out or set muskrat traps at any time preceding the day on which the open season for the taking of muskrats begins. It shall be unlawful for any person to take trap, hunt, shoot, kill or molest or attempt to take, trap, hunt, shoot, kill, or molest, any beaver until after the thirty-first day of December in nineteen hundred twelve.

SEC. 4. Nothing in this act shall prohibit any person from taking or killing at any time, on his own premises, fur-bearing animals, except beaver, when it can be shown that damage to his property is being done or is liable to be done by them.

SEC. 5. Any person who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than five dollars nor more than fifty dollars, together with costs of prosecution, or by imprisonment in the county jail for not more than thirty days, or by both such fine and imprisonment in the discretion of the court. In any case in which a fine with costs is imposed, the court shall sentence the offender to be confined in the county jail until such fine and costs are paid, but for a period not exceeding the maximum jail penalty provided for the offense.

SEC. 6. All acts or parts of acts inconsistent with or in conflict with the provisions of this act are hereby repealed.

XII. Public Shooting Grounds.

[Act. No. 66, passed 1891.]

SECTION 1. **Lands set apart:** All of the lands belonging to the State of Michigan, and being in township sixteen north, range nine east, in Wild Fowl bay, in the county of Huron, in this State, commonly known as the "middle ground," lying between [Maisou] Maison island, in Saginaw bay and the main land, shall be and is ground for the benefit and enjoyment of the people of this State.

SEC. 2. **Who are trespassers:** All persons who now have or shall hereafter locate upon or occupy any part of such lands, except as herein provided, shall be considered trespassers, and may be prosecuted as trespassers upon the public lands in the manner now provided by law.

SEC. 3. **Lawful to hunt in season:** It shall be lawful for any and all persons to go upon any parts of said lands at any and all times permitted by the game laws of this State for the purpose of hunting or shooting wild fowl or game thereon; but no person or persons shall hunt or shoot wild fowl or game on said lands, or any part thereof, at any season or time or manner not permitted by the game laws of this State, and any person violating any game laws of this State by hunting wild fowl or game on any of said lands shall be punished as provided by law.

SEC. 4. **Control of said lands:** Said public shooting grounds shall be under the control of the commissioner of the state land office of this State. The said commissioner shall have authority to make, publish and enforce such reasonable rules and regulations for the care and preservation of the said shooting grounds, for the maintenance of good order and for the protection of property as shall from time to time be deemed necessary or expedient. [Part of Sec. 4 as amended by Public Act No. 241, approved June 2, 1909.]

[Act 274, P. A. 1905.]

SECTION 1. **Unlawful to set fire:** It shall be unlawful for any person or persons to set fire or to cause fire to be set on any of the public shooting grounds as designated in act sixty-six, public acts of eighteen hundred ninety-two. (a)

SEC. 2. **Unlawful to kill game during closed season:** It shall be unlawful for any person or persons to hunt, trap, shoot, molest or annoy any wild game or wild water fowl on any of the lands or shores of the public shooting grounds as designated in act sixty-six, public acts of eighteen hundred ninety-one, or on the Dafoe or Maisou islands in the township of Fair Haven, or on the waters and marshes of Rush lake in the township of Lake, Huron county, except during the open seasons on ducks in each year.

SEC. 3. **Possession of firearms during closed season:** It shall be unlawful for any person or persons to carry or have in possession any firearms during the closed seasons in each year on ducks, on the Dafoe or Maisou islands, in the township of Fair Haven; on the waters and marshes of Rush lake in the township of Lake, Huron county, and on the public shooting grounds as designated in act sixty-six, public acts of eighteen hundred ninety-one.

SEC. 4. **Penalty for violation:** Any person violating any of the

provisions of this act shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not less than fifty dollars and not more than one hundred dollars, and the costs of prosecution, and in default of the payment thereof, shall be confined in the county jail until such fine and costs shall be paid, but such confinement shall not exceed ninety days.

[Act 134, P. A. 1907.]

SECTION 1. **Protection of fur-bearing animals:** It shall be unlawful for any person or persons to kill, destroy or take, by any means whatsoever within the limits of the public shooting grounds, as designated in act sixty-six, public acts of eighteen hundred ninety-one, any muskrat, mink or other fur-bearing animals, except during the months of November and December of each year.

SEC. 2. **Penalty:** Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof, may be punished by a fine of not to exceed thirty dollars for each offense, and in default of payment thereof, by imprisonment in the county jail not to exceed thirty days, or by both such fine and imprisonment, in the discretion of the court.

[Act 111, Laws of 1869.]

SECTION 1. **Muskrats; killing of; in certain waters:** No person or persons shall kill, destroy or take by any means whatsoever, within the limits of the marshes bordering on the waters of Lake Erie, Detroit river, River St. Clair, Lake St. Clair, Lake Huron and Lake Michigan, any muskrat found in said marshes, or in or on the banks of any bayous or creeks in said marshes, between the first day of April and the first day of December of each year. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and on conviction thereof may be punished by a fine not to exceed five ($5) dollars for each offense, and in default of payment thereof, by imprisonment in the county jail not to exceed ten (10) days or both such fine and imprisonment, in the discretion of the court.

SEC. 2. **Protection of muskrat houses:** It shall be unlawful for any person or persons to destroy or disturb any muskrat house in said marshes, under a penalty of five dollars for each muskrat house destroyed in the violation of this act.

SEC. 3. **Penalties; how recovered:** Every penalty prescribed by the preceding sections of this act shall be sued for in the name of the people of the State of Michigan, before any justice of the peace in the county where the alleged offense was committed, which suit shall be commenced and carried on in the same manner that prosecutions for misdemeanors are, and the penalties collected in pursuance of this act shall be paid into the county treasury of the county where the offense was committed, for the support of the township libraries of such county.

SEC. 4. **Not to prevent killing where injury to property is done:** This act shall not be so construed as to prevent the catching and killing of any animals specified in the foregoing sections, where there is danger of their doing injury to property either public or private.

[Act 112, P. A. 1895.]

SECTION 1. **Public shooting grounds in Lake Erie; proviso as to fishing by the public:** All that part of Lake Erie lying adjacent to the surveyed lands of Monroe and Wayne counties and any submerged lands within the surveyed lines of said counties and connected with Lake Erie and Detroit river, providing such surveyed lands are owned by the State of Michigan, shall be and hereby are set apart and dedicated for a public shooting or hunting ground for the benefit and enjoyment of the people of the State of Michigan, for a distance extending one mile into said Lake Erie, the eastern line of the submerged lands and waters hereby reserved being one mile distant from the surveyed lines of the east side of said counties and parallel thereto: Provided, That this reservation and dedication shall not interfere with, or detract from, any rights or privileges as to fishing now enjoyed by any person or the public.

SEC. 2. **Who considered trespassers; proviso as to navigation:** All persons who now have, or shall hereafter locate upon any part of such submerged lands or lake or occupy the same except as herein provided, shall be considered trespassers and may be prosecuted as trespassers upon the public lands in the manner now provided by law: Provided, That such waters shall be free for all purposes of navigation.

SEC. 3. **Unlawful to cut or destroy rushes or other vegetation; penalty for violation:** It shall be unlawful for any person to cut, or otherwise destroy the rushes and other submarine vegetation growing on such reserve without the consent of the board of supervisors of said counties, and any person or persons who shall wilfully cut or destroy the same or cause the same to be done, knowingly, shall be guilty of a misdemeanor and shall be punished by a fine not exceeding one hundred dollars, or imprisonment in the county jail of said Monroe or Wayne county not exceeding ninety days.

XIII. Use of Ferrets in Hunting Rabbits; Where Unlawful.

[Act 198, P. A. 1905.]

SECTION 1. **Use of ferrets prohibited:** It shall hereafter be unlawful for any person or persons to use a ferret for the purpose of hunting or killing rabbits in the counties of Tuscola, Lapeer, Cass, Kalamazoo, Saginaw, Paw Paw township in Van Buren, Charlevoix, Grand Traverse, Ingham, except in the city of Lansing and Lansing and Meridian town-

ships, Lake, Livingston, Washtenaw, Calhoun, Ottawa, Clinton, Kent, Macomb, Barry, Jackson, Monroe, (also Wayne county, Act No. 282, passed 1899), and in the county of Allegan except in the townships of Saugutuck, Ganges and Casco.

SEC. 2. **Penalty for violation:** A violation of this act shall be punished by a fine of ten dollars and costs of prosecution, or imprisonment, until such fine is paid, not exceeding thirty days.

SEC. 3. Repeals inconsistent acts.

XIV. Hunting on Sunday; Where Unlawful.

It shall be unlawful for any person to hunt for game with firearms, dogs, or otherwise, on Sunday on any lands or premises of another..

a. In Oakland county. [Act 62, passed 1905.]

b. In Livingston county. [Act 273, passed 1905.]

c. In Macomb county, and Greenfield, Redford, Plymouth, Gratiot, Hamtramck, Grosse Ponte, Northville and Livonia townships in Wayne county, excepting wild fowl may be shot in Detroit river, St. Clair river and Lake St. Clair in Wayne and Macomb counties. [Act 295, passed 1907.]

XV. Shooting Wild Geese and Brant in Chippewa County.

SEC. 1. It shall be unlawful to hunt and kill wild geese and brant in the county of Chippewa from January first to December thirty-first both inclusive, in each year.

SEC. 2. Repeals inconsistent acts.

[Act 283, P. A. 1897.]

SECTION 1. **Unlawful to wilfully scare or drive wild fowl from persons hunting; penalty:** It shall be unlawful for any person or persons to wilfully scare or drive wild ducks or other wild water fowl, or cause the same to be done, from any person lawfully hunting the same on the public waters of that part of Lake Erie within the State of Michigan, for the purpose of depriving or attempting to deprive such person of any or all of his opportunities of shooting or hunting such wild ducks or other wild water fowl, and every person so offending, upon conviction, shall pay a penalty of twenty dollars and costs of suit.

CHAPTER 15.

Grist Mills.

I. Scales to be kept for weighing grain, flour, etc.
II. Rates of toll for grinding, etc.

I. Scales to be Kept, Etc.

Miller to keep scales, etc., and weigh grain, flour, etc.: Every miller occupying and using a grist mill, shall be provided with scales and weights, or a vibrating steelyard, to weigh corn, grain, flour and meal, delivered at and taken from the mill, if required; and if he shall neglect to keep himself so provided, or shall refuse so to weigh corn, grain, flour, or meal, when required by any person delivering or taking away the same, he shall forfeit, for each neglect or refusal, not less than one dollar, nor more than five dollars. [5069.]

II. Rates of Toll for Grinding.

Rates of Toll: The toll for grinding and bolting any wheat, rye, or other grain, shall not exceed one-tenth part thereof; for grinding, and not bolting, any wheat, rye, or other grain, except Indian corn, the toll shall not exceed one-twelfth part thereof; and for grinding and not bolting, Indian corn, the toll shall not exceed one-tenth part thereof. [5070.]

Owner, etc., to grind grain in order brought in, etc: The owner or occupier of any grist-mill doing custom work for toll shall well and sufficiently grind the grain brought to his mill for that purpose in due time, and in the order in which it shall be received, and shall be accountable for the safe keeping of all grain received in such mill for the purpose of being ground therein, and shall deliver the same when ground, or ground and bolted, as the case may be, with the bag or cask in which it was brought, when demanded, but every owner or occupant of a mill may grind his own grain at any time. [5071.]

Construction of last section: Nothing contained in the last section shall be so construed as to charge the owner or occupant of any mill for the loss of any grain, bag or cask, which shall happen, by fire or inevitable accident, without the fault of such owner or occupant, his agent or servants. [5072.]

Liability for not properly grinding, or taking undue toll: Every miller, or owner, or occupant of a grist-mill doing custom work for

toll, who shall not well and sufficiently grind any grain as aforesaid, or not in due time as the same shall be brought, or who shall exact or take more toll than is herein allowed, shall, in every such case, be liable to the party injured in the sum of five dollars damages, over and above the actual damages sustained thereby. [5073.]

CHAPTER 16.

Husband and Wife.

I. General provisions.
II. Provision for wives from their husband's property, when neglected or deserted by husbands, etc.
III. Care and custody of minor children in case of separation of husband and wife.
IV. Rights of married women.
V. Insurance on lives for benefit of married women.

I. General Provisions.

When husband abandons wife, certain powers may be granted to her: When any married man shall absent himself from the state, abandoning his wife, and not making sufficient provision for her maintenance, if the wife is of the age of twenty-one years, the probate court of the county in which she resides may, on her petition, authorize her to sell and convey or lease her real estate, or any part thereof, and also to sell and dispose of any personal estate which shall, at any time, have come to the husband, or to which he may be entitled, by reason of the marriage, and which may remain in this state undisposed of. [8659.]

Authority may be given to deliver property to wife, etc.: The probate court may also, upon the petition of the wife, authorize any person owing or holding any money or other personal estate, to which the husband is entitled in her right, to pay and deliver the same to the wife, and may authorize her to give a discharge for the same, which discharge shall be as valid as if made by the husband. [8660.]

Proceeds of sales, etc., may be disposed of by wife: All the proceeds of such sales, and all other money and personal estate, which shall come to the hands of the wife by force of this chapter, may be used and disposed of by her during the absence of her husband, as her own property, in the same manner as if she were unmarried. [8661.]

Court may authorize contracts by married woman, etc.: The said court may further authorize such married woman to make any contract, under seal or otherwise, in her own name, and also to commence, prosecute and defend any suit or suits in law or equity, to final judgment and execution, in like manner as if she were unmarried. [8662.]

Deeds, etc., may be executed by her: Every woman authorized may make and execute any deeds and other instruments, in her own name, and do all other lawful acts that may be necessary or proper to carry into effect the powers so granted to her. [8663.]

How long powers to continue: The power so granted to a mar-

ried woman, shall continue, and may be exercised, until her husband shall return into this state and claim his marital rights. [8664.]

Effects of contracts: All contracts lawfully made by any married woman, by virtue of such power, shall be binding on her and her husband, in like manner as if their marriage had taken place after the making of such contracts; and she shall, during the absence of her husband from the state, be liable to be sued thereon as if she were unmarried. [8665.]

Liability of married women: She shall also be liable to be sued, in like manner, for all other acts done, or liabilities incurred by her during the continuance of the power so granted to her. [8666.]

Husband may become party to suits: No suit wherein such woman shall be a party, under the provisions of this chapter, shall be abated by the return of her husband into the state, but he may, on his application, be admitted to prosecute or defend the suit jointly with her, in like manner as if they had intermarried after the commencement of the suit. [8667.]

Suit to proceed if husband does not become a party: If the husband shall not be admitted as a party to the suit, it shall proceed to judgment and execution as if he had not returned to the state; and any judgment recovered against the wife may be enforced against him, in like manner as if it had been rendered against her before their intermarriage. [8668.]

Petition to probate court, notice and hearing: Every petition of a married woman for the purposes mentioned in the preceding sections of this chapter, shall be verified by the oath of the petitioner, and upon the presentation thereof, the probate court shall appoint a time and place of hearing, and shall cause a notice of hearing to be given, either by publishing the same in a newspaper for three successive weeks, or by posting up copies thereof at least three weeks before such hearing, in such places as the court may direct. [8669.]

When husband sentenced to imprisonment, wife may have certain powers: When any marrried man shall be sentenced to confinement in the state prison, his wife may, on her petition to the probate court of the county in which she resides, be authorized to sell and convey her estate, and do any or all other acts which may, according to the provisions of this chapter, be done by a married woman, when authorized as before provided, in the absence of her husband, and with the like effect in all respects; and the authority so granted to the wife of a convict, may continue and be exercised until the discharge of her husband from prison. [8670.]

Petition by wife of convict: The petition of the wife of such convict shall be presented, and the proceedings thereon conducted in the same manner as in the case of the petition of a married woman whose husband has absented himself from the state, except that where evidence of the sentence of the husband shall be furnished at the time of

presenting the petition, it shall not be necessary to defer the hearing or give notice thereof. [8671.]

Wife may join guardian in conveyance, etc.: When the guardian of any married man shall be duly licensed to sell the real estate of his ward, the wife of the ward may, if she thinks proper, join with the guardian in the conveyance, and thereby release her right of dower in the granted premises, in like manner as she might have done by joining in a conveyance thereof made by her husband, if he had been under no legal disability. [8672.]

Same: When such guardian shall be licensed to sell the interest of the ward in any real estate of his wife, the wife may, if she thinks fit, join with the guardian in the conveyance, and thereby sell and convey all her estate and interest in the granted premises, in like manner as she might have done by joining in a conveyance thereof made by her husband, if he had been under no legal disability. [8673.]

Release of dower, etc.: In case of any such release by the wife of her right of dower, or of any such conveyance of her own estate, the proceeds of the sale may be so invested and disposed of, as to secure to her the same right, use and benefit of the principal sum and the income thereof, that she would have had in such real estate and the income thereof, if it had not been sold. [8674.]

Agreement between wife and guardian: Any agreement made between the wife and the guardian of her husband, for securing and disposing of the proceeds of any such sale, or any part of such proceeds, for the purpose mentioned in the preceding section, being approved and confirmed by the judge of probate who granted the license to sell, or by the circuit court on an appeal from the decision of the judge of probate, shall be valid and binding upon all persons interested in the estate and may be enforced by an action at law, or a suit in chancery. [8675.]

When real estate of married woman taken for public use: When the real estate of any married woman shall be taken for any public use, or shall be damaged by the laying out and establishing of a highway, railroad, turnpike, or other public work, the damages or compensation awarded therefor may be so invested and disposed of, as to secure to her the same right, use, and benefit of, and in the sum so awarded, and the income thereof, as she would have had of and in the real estate and the income thereof, if it had not been so taken and damaged. [8676.]

Probate court may make decrees for securing rights of wife: On application of any such woman to the probate court of the county in which such real estate is situated, or of the county in which she resides, such court may hear and determine the case, and may make all such orders and decrees as shall be necessary and proper to enforce and secure her said rights and interests. [8677.]

Married woman coming from another state or country, without

her husband: When any married woman shall come from any other state or country into this state, without her husband, he having never lived with her in this state, she may transact business, make contracts, and commence, prosecute and defend suits in her own name, and dispose of her property which may be found in this state, or which she may acquire, in like manner, in all respects, as if she were unmarried. [8678.]

Powers and liabilities of such married woman: Such married woman shall be liable to be sued as if she were unmarried, upon all contracts, and for all other acts, made or done by her after her arrival in this state; and she may make and execute any deeds and other instruments, in her own name, and do all other lawful acts that may be necessary and proper to carry into effect the powers herein granted to her. [8679.]

Husband coming into this state and claiming marital rights; effect of: If the husband of any such woman shall afterwards come into this state, and claim his marital rights, his arrival here shall have the same effect, with regard to any suit then pending, in which she is a party, and to any contract made, or business transacted by her under the power granted to her by the provisions of this chapter, as if they had been just married at the time of his arrival here, and shall have no other effect. [8680.]

Wife of ward may join in partition of her real estate: The wife of any man who is under guardianship, may join with the guardian in making petition of her own real estate, held in joint tenancy or in common, and may jointly with such guardian, make any release or other conveyance necessary or proper for that purpose, in like manner as she might have done with her husband, if he had been under no legal disability. [8681.]

Powers of wife on divorce from bed and board: Upon a divorce from bed and board, the wife shall have the same powers and rights in respect to her real and personal estate, and to such as she may afterwards acquire, and shall be subject to the same liabilities in all respects as an unmarried woman, and may sue and be sued in her own name in like manner. [8682.]

Rights of married woman in relation to property owned by her: Any real or personal estate which may have been acquired by any female before her marriage, either by her own personal industry, or by inheritance, gift, grant or devise, or to which she may at any time after her marriage be entitled by inheritance, gift, grant or devise, and the rents, profits and income of any such real estate, shall be and continue the real and personal estate of such female after marriage, to the same extent as before marriage, and none of said property shall be liable for her husband's debts, engagements or liabilities; but such property shall be liable for all debts of the wife contracted prior to her said marriage: Provided, That nothing in this section contained shall be construed to authorize any married woman to give, grant or sell any

such real or personal property during coverture, without the consent of her husband, except by order of the judge of probate, or the proper court of the county: And provided, further, That upon a separation between such husband and wife, saving by an adjudication of court, such married woman shall in no case be authorized to remove any such property from the premises of her husband without his consent. [8683.]

Concurrent jurisdiction in cases arising under last section: The circuit court for the county where the parties, or either of them, reside, shall have concurrent jurisdiction with the court of chancery in all cases arising under the provisions of the preceding section, and the wife may institute proceedings to enforce the said provisions, in her own name or otherwise. [8684.]

Estate of the husband by curtesy: If any married woman shall die without disposing of any such real estate, the husband surviving her shall have a life estate therein by the curtesy. [8685.]

II. Provision of Wives from their Husbands Property when Neglected or Deserted by Husband, Etc.

Court may require husband to support wife: costs of proceedings, etc.: Whenever a husband shall, without good and sufficient cause, desert his wife, or shall have hereafter deserted his wife without a good and sufficient cause, being of sufficient ability to support her, or shall have become an habitual drunkard since their marriage, or practiced extreme cruelty towards her, or committed the crime of adultery, or any other offense that entitles the wife to a decree of divorce or of separation, and shall refuse and neglect to support his wife, either the wife or husband being a resident of this state, the circuit court in chancery of any county in this state in which said husband or wife shall reside, shall on the application of the wife by petition, allot, asign, set apart and decree to her as alimony the use of such part of her husband's real and personal estate, or such proportion of his earnings, income or revenue as the court may determine, in its discretion, and during the pending of the proceeding may require the husband to pay such sums to carry on the proceeding, or for her support, as it shall deem necessary, in like manner as provided by section six thousand two hundred and thirty-five of Howell's statutes, being four thousand seven hundred and forty-five of the compiled laws of eighteen hundred and seventy-one, in case of suit for divorce: Provided, That no decree shall be made in favor of the petitioner unless on the hearing either such a state of facts shall appear as would entitle her, as far as the husband's wrongful acts are shown, to a decree for divorce upon the grounds specified in the petition, or unless such a state of facts set out in the petition shall be proven as shall make it appear that the respondent had deserted the petitioner with intent to leave her without adequate means of support without good and sufficient cause, and the husband shall be permitted to allege in his answer to the petition any facts which would prevent or bar a divorce

upon the grounds alleged in said petition, and to make proof of the same in conformity with such answer: And provided further, That an appeal from the final order or decree may be taken to the supreme court as in chancery cases, except that if the wife shall take such appeal she shall not, in the discretion of the court, be required to file an appeal bond. [8686.]

When order for appearance to be published, etc.; proviso; injunction, when to be granted, etc.; further proviso; execution: Whenever in such a proceeding as the preceding section authorized, a petition shall be filed by the wife, writ of subpœna may be issued to be served and returned as in ordinary chancery suits, and if upon the filing of such petition or the return of such subpœna unserved, it shall be made to appeal, that the husband has left, or is out of the state, or has concealed himself so that service of process is impossible, the court may make an order for his appearance to be published for the same time and in the same manner as the statute provides in chancery proceedings and suits generally: Provided, That if upon the filing of such petition it shall be made to appear to the circuit judge that the husband has property, real or personal, credits, stocks or securities, which there is good reason to believe he will dispose of to avoid the decree of the court, the court may grant an injunction restraining the sale and incumbrance of such property, stocks and securities and the collection of such credits, and notice of such injunction served upon any person who is the agent of the husband or his debtor or the secretary of any corporation in which he holds stock, or upon the register of deeds, shall enjoin them from taking any part in aiding the transfer or incumbrance of such property and from the payment of such debts, and be notice to any and all persons to whose knowledge it shall be brought, and operate as an attachment on property in the hands of that person, but such injunction shall not be held to affect the duty of a register of deeds to record any deed or other instrument, properly executed, delivered to him for that purpose: And provided further, That to enforce its decree said court may cause execution to be issued and levied upon any of the husband's estate found in the state, including stock in any corporation, and that where choses in action are due and owing the husband from any resident of the state the said court may, upon thirty days' notice given to the defendant personally, if he is a resident, but by publication if concealed or a non-resident, once in each week for said thirty days in some newspaper published in the county in which said action is pending, order, decree and direct that the same be sold in the same manner as personal chattels are sold upon execution from the courts of record. [8687.]

Court may decree concerning care, etc., of children; may assign to wife possession of estate of husband during proceedings; support of wife and children; court may change allowance: In all proceedings brought pursuant to this act, the court may order and decree concerning the care, custody, and maintenance of the minor children of

the parties, and may determine with which of the parties the children, or any of them, shall remain, and during the pendency of the proceeding, may assign and decree to the wife the possession of any of the real and personal estate of the husband, and the court may decree the payment of a fixed sum of money for the support of such wife and minor children, and that the payment of the same be secured upon real estate, or otherwise, at such times and in such manner as may be proper, and may enforce the performance of such decree by the sale of the real estate of the husband, or otherwise, as may be necessary. And the court shall have power to change the allowance from time to time, according to circumstances, and may evoke such allowance altogether on satisfactory proof of a voluntary and permanent reconciliation: Provided, however, That such allowance shall be only during the joint lives of such husband and wife. [8688.]

III. Care and Custody of Minor Children in Case of the Separation of Husband and Wife.

Care and custody of minor children when husband and wife separate: In case of the separation of husband and wife having minor children, the mother of said children shall be entitled to the care and custody of all such children under the age of twelve years, and the father of such children shall be entitled to the care and custody of all such children of the age of twelve years or over: Provided, That any probate court or any court of competent jurisdiction, may, on petition and hearing thereof, make and enforce such order or orders as it may deem just and proper as to the care and custody of such minor children, excepting in cases where an order or decree may have been made by any court in chancery regarding such children: And provided, further, That nothing in this act shall prevent any court of competent jurisdiction from making and enforcing any such order or orders as it may deem just and proper as to the care and custody of such minor children in the same manner and with like effect as it could if this act had not been passed. [8689.]

Rights of Married Women.

Property of married women not liable for husband's debts; she may contract, sell, etc., as if unmarried: The real and personal property of every female, acquired before marriage, and all property, real and personal, to which she may afterwards become entitled, by gift, grant, inheritance, devise, or in any other manner, shall be and remain the estate and property of such female, and shall not be liable for the debts, obligations and engagements of her husband, and may be contracted, sold, transferred, mortgaged, conveyed, devised or bequeathed by her, in the same manner and with the like effect as if she were unmarried. [8690.]

Trustee may convey to her: Any person who may hold, or who may hereafter hold, as trustee for any married woman, any real or

personal estate or other property, under any deed of conveyance or otherwise, may convey to such married woman, by deed or otherwise, all or any portion of such property, or the rents, issues and profits thereof, for her sole and separate use and benefit. [8691.]

Actions by and against: Actions may be brought by and against a married woman in relation to her sole property, in the same manner as if she were unmarried, and in cases where the property of the husband cannot be sold, mortgaged or otherwise encumbered, without the consent of his wife, to be given in the manner prescribed by law, or when his property is exempted by law from sale on execution or other final process issued from any court against him, his wife may bring action in her own name, with the like effect as in cases of actions in relation to her sole property as aforesaid. [8692.]

Husband not liable on her contracts: The husband of any married woman shall not be liable to be sued upon any contract made by such married woman in relation to her sole property, and the wife shall be liable to be sued upon any contract or engagement made by her in cases where her husband is not in law liable, or where he refuses to perform such contract or engagement, and in any case herein authorized, the cause of action shall be deemed to have accrued from and after the passage of this act. [8693.]

Ante-nuptial contracts binding: All contracts made between persons in contemplation of marriage, shall remain in full force after marriage takes place. [8694.]

V. Insurance on Lives for the Benefit of Married Women.

Married women may insure life of husband, etc.: It shall be lawful for any married woman, by herself, and in her name, or in the name of any third person, with his assent, as her trustee, to cause to be insured for her sole use, the life of her husband or the life of any other person, in any life insurance company of any nature whatever, located in either of the states of the United States of America or in Great Britain, for any definite period, or for the term of his natural life, and in case of her surviving her husband, or such other person insured in her behalf, the sum or net amount of the policy of insurance due and payable by the terms of the insurance, shall be payable to her, to and for her own use, free from the claims of the representatives of her husband, or of such other person insured, or of any of his creditors, but such exemption shall not apply where the amount of premium annually paid shall exceed the sum of three hundred dollars. [8695.]

When insurance may be payable to her children: In case of the death of the wife before the decease of her husband, or of such other person insured, the amount of the insurance may be made payable after her death to her children, for their use, and to their guardian, if under age, or the amount of the policy may be disposed of by such married woman by a last will and testament. [8696.]

CHAPTER 17.

Holidays and Other Designated Days.

Public holidays designated; proviso as to Saturdays; proviso as to suits, etc.; proviso as to circuit courts; proviso as to legal process: The following days, viz.: The first day of January, commonly called New Year's Day; the twelfth day of February, commonly called Lincoln's birthday; the twenty-second day of February, commonly called Washington's Birthday; the thirtieth day of May, commonly called Decoration Day; the fourth day of July; the First Monday of September, commonly called Labor Day; the twenty-fifth day of December, commonly called Christmas Day; every Saturday from twelve o'clock noon until twelve o'clock at night, which is hereby designated a half holiday; all national, state, county or city election days, and any day appointed or recommended by the Governor of this State, or the President of the United States as a day of fasting and prayer or thanksgiving, shall for all purposes whatever as regards the presenting for payment or acceptance, and of the protesting and giving notice of the dishonor of bills of exchange, bank checks and promissory notes, made after this act shall take effect, also for the holding of courts, except as hereinafter provided, be treated and considered as the first day of the week, commonly called Sunday, and as public holidays or half holidays; and all such bills, checks and notes otherwise presentable for acceptance or payment on any of the said days shall be deemed to be payable and presentable for acceptance or payment on the secular or business day next succeeding such holiday or half holiday: *Provided,* That in construing this section, every Saturday unless a whole holiday, as aforesaid, shall for the holding of court and the transaction of any business authorized by the laws of this State be deemed a secular or business day: *Provided also,* That in case the return or adjourn day in any suit, matter or hearing before any court, officer, referee or arbitrators shall come on any of the days first above named, except Sunday, such suit, matter or proceeding, commenced or adjourned as aforesaid, shall not, by reason of coming on any of such days except Sunday, abate, but the same shall stand continued on the next succeeding day, at the same time and place unless the next day be the first day of the week, or a holiday, in which case the same shall stand continued to the next day succeeding said first day of the week or holiday, at the same time and place: *Provided further,* That whenever the first day of the general term of any circuit court, as fixed by the order of a circuit judge shall fall upon either of the days first above named or whenever any circuit court shall be adjourned to any of the days first above named, such court may be adjourned to

the next succeeding secular day: *And provided further,* That nothing herein contained shall be construed to prevent or invalidate the entry, issuance, service or execution of any writ, summons or confession of judgment or other legal process whatever, holding courts or the transaction of any lawful business except banking on any of the Saturday afternoons herein designated as half holidays, nor to prevent any bank from keeping its doors open or transacting its business on any of the said Saturday afternoons, if by a vote of its directors it elects to do so. [4880 as amended by Public Act No. 246, approved June 2, 1909.]

When holidays fall on Sunday: Whenever the first day of January, the twelfth day of February, the twenty-second day of February, the thirtieth day of May, the fourth day of July or the twenty-fifth day of December shall fall upon Sunday, the next Monday following shall be deemed a public holiday for all or any of the purposes aforesaid: Provided, however, that in such cases all bills of exchange, checks and promissory notes made after the passage of this act, which would otherwise be presentable for acceptance or payment on said Monday, shall be deemed to be presentable for acceptance or payment on the secular or business day next succeeding such holdiay. [4881 as amended by Public Act No. 246, approved June 2, 1909.]

NOTE: October twelfth, 1909, and each year thereafter, is made a legal holiday to be known as "Columbus Day" but not affect commercial paper, agreements, or interfere with judicial proceedings. [Public Act No. 258, approved June 2, 1909.]

The Governor may designate Arbor Day: *Resolved* (the house concurring), That the governor is hereby requested to call the attention of the people of this state to the importance of planting trees for ornament and shade, by naming a day upon which this work shall be given special attention, to be known as "Arbor Day." [1754.]

The Governor may designate Flag Day: The Governor is authorized to proclaim June 14 as "Flag Day" in honor of the stars and stripes.

Central Standard time the legal time: Standard time, central division, based on the ninetieth meridian of longitude west from Greenwich, shall be legal time within this state. [1753.]

The apple blossom the state flower; Resolution: WHEREAS, A refined sentiment seems to call for the adoption of a state flower; and

WHEREAS, Our blossoming apple trees add much to the beauty of our landscape, and Michigan apples have gained a world-wide reputation; and,

WHEREAS, At least one of the most fragrant and beautiful flowered species of apple, the pyrus coronaria, is native of our state; therefore

Resolved by the Senate and House of Representatives of the State of Michigan, That the apple blossom be and the same hereby is designated and adopted as the state flower of the state of Michigan. [Approved April 28, 1897.]

CHAPTER 18.

Landlord and Tenant.

I. Relation of landlord and tenant.
II. The lease.
III. Rent.
IV. Crops and crop-rent.
V. Repairs.
VI. Notice to quit.
VII. Nuisances.

I. Relation of Landlord and Tenant.

The relation of landlord and tenant is created by contract, either express or implied. One proof of the existence of the relation in the absence of a contract, is the payment and acceptance of rent. A presumption of its existence is an agreement to pay rent.

A tenancy exists where one has let real estate to another to hold of him as tenant. Its usual incidents are possession with right of enjoyment, and payment of rent. And it does not necessarily imply a right to complete and exclusive possession; it may be created with the implied or express reservation of a right to possession on the landlord's part for all purposes not inconsistent with the privileges granted to the tenant. Morrill vs. Mackman 24 Mich. 279.

II. The Lease.

What is a lease: A lease is a contract which creates the relation of landlord and tenant. No precise form of words is necessary, and the established custom of the place where the parties reside may become a part of the lease though not incorporated into it.

Covenants of lease: The covenants of the lease are the promises and agreements made therein as to the premises, term, rent, privileges and purposes, etc.

Covenants may also be entered into as to payment of taxes; building and repair of fences, gates; cutting timber for wood and repair of fences, buildings, etc.; meadow, pasture, mowing of grass, etc.; kinds of crops, and the grounds upon which same shall be raised each year; disposition of hay, straw, fodder, etc.; hauling and spreading manure; keeping down weeds, etc.; allowances, if any to tenant for permanent repairs; repairs to be made by landlord, etc.; use of horses of landlord; furnishing of seed, removal of temporary buildings, etc., and any other matters as the case may require.

Assignment of lease: A lease upon shares is not assignable without the lessor's consent. 103 Mich. 102. Other leases may generally be assigned without the consent of the landlord, if there is no covenant against assignment, and the use of the premises continues in accordance with the original purpose of the lease and in compliance with all the covenants therein contained.

Renewal of lease: The parties may make an agreement as to a renewal of the lease and write such agreement in the lease the same will be binding, and where a lease provides for notice by the lessee of his intention to claim the benefit of an option given him in the lease for an additional term, such notice must be given, or such intention on his part be otherwise manifested; and a naked holding over is insufficient to warrant a finding that the lease has been extended. 105 Mich. 374.

Holding over: A tenant holding over after the expiration of the lease is a tenant from year to year upon the conditions specified in the lease, if the lessor receives rent subsequently accruing, or otherwise indicates an intent to recognize him as such tenant; otherwise, he is merely a tenant at sufferance.

Surrender of lease: The surrender of a lease is the yielding up of the estate, but such surrender requires mutual agreement between the lessor and lessee that the lease shall terminate. Vacating leased premises before the term expires, and offering the key, which is refused is not a surrender. 87 Mich. 38. Even a tenant at will cannot, without justifiable cause abandon premises and treat such abandonment as a surrender. 87 Mich. 38.

Forfeiture of lease: Forfeiture is the loss of the rights and privileges secured under the terms and covenants of the lease. It results from a breach of covenant and may be waived. But in order that a breach of covenant by the lessee shall forfeit his lease it must be so stipulated in the lease. A lessee who seeks to avail himself of forfeiture of a lease on account of a breach of covenant by the lessor, must tender back the possession of the premises free from any rights of sub-tenants. A threatened or proposed breach will not forfeit the lease, so one who has leased a farm on the shares does not forfeit his lease by orally giving to a third person permission to work part of the farm on the same terms, where the oral arrangement is abandoned without anything being done under it. 117 Mich. 555.

Neglect to cultivate does not authorize cancelling a lease on the ground that the lessee obtained it by the fraudulent representation that he was a skillful farmer. 41 Mich. 207.

III. Rent.

Definition of rent: Rent is a sum stipulated to be paid for the actual use and enjoyment of another's land. 4 Mich. 577.

The legislature of the State of Michigan has made the following provisions concerning the liability for and payment of rent:

Liability of person in possession for payment of rent: Every person in possession of land, out of which any rent is due, whether it was originally demised in fee, or for any other estate of freehold, or for any term of years, shall be liable for the amount or proportion of rent due from the land in his possession, although it be only a part of what was originally demised. [9254.]

Rent; how secured: Such rent may be recovered in an action of debt or assumpsit, and the deed of demise, or other instrument in writing, if there be any showing the provisions of the lease, may be used in evidence by either party to prove the amount due from the defendant. [9255.]

Landlord may have other remedies: Nothing contained in the preceding sections shall deprive landlords of any legal remedy for the recovery of their rents, whether secured to them by their leases, or provided by law. [9256.]

Accounting for rents, etc., by joint tenant or tenants in common: One joint tenant or tenant in common, and his executors or administrators, may maintain an action for money had and received, against his co-tenant, for receiving more than his just proportion of the rents or profits of the estate owned by them as joint tenants or tenants in common.

NOTES: Where rent is payable weekly, or at other stated intervals, in advance, the tenant has the whole of the first day of each succeeding week or interval of time in which to make payment. 4 Mich. 355.

Where a well of water is polluted, it amounts, if the cause cannot be removed, to an eviction, and relieves the tenant from paying rent after leaving the premises in consequence thereof. 78 Mich. 135.

A tenant is not absolved from his duty to pay rent by breach of the landlord's covenant to make repairs necessary to fit the building for its intended use, so long as he continues in possession. 2 L. R. A. 273; 189 Mass. 568.

IV. Crops and Crop Rent.

Growing crops are usually regarded as personalty. But as a general rule between vendor and vendee, the growing crop is a part of the realty, and passes by conveyance to the latter unless reserved. Under a lease of a farm, the rent payable in a portion of the crops, the title to the crops until delivery is in the tenant, and the lessor is not entitled to possession of his share until a sufficient time for the tenant to deliver them to the landlord. Under such a lease it is the duty of the lessee to deliver the lessor his share and not the lessor's duty to parcel the lessee's share out to him. Failure to deliver would make the lessee liable for the market value of the lessor's share at the time it should have been delivered.

Landlord may cultivate and have abandoned crop: Where a

tenant or renter by the field, whose agreement is to pay a share of the crop as rent, abandons the crop before it is ripe or harvested, he has not such an interest therein as renders it liable to seizure for his debts, but the landlord has a right to cultivate and harvest and take the whole crop as his own. In such case the tenant has abandoned his contract and forfeited his rights. 10 Pickering, 205.

One who, without fault on the landlord's part, rescinds his contract to farm another's land, and abandons the premises, yields his right to the crop sown. Kiplinger vs. Green, 61 M. 340, but where the lessee merely failed to work the farm properly and did not abandon the crop, a farm lease on the shares was construed as giving the lessor merely the right of re-entry and possession of the stock and farming implements (where he had furnished the same) and not to authorize the seizure of crops for such breach. 80 Mich., 466.

Rights of purchaser of tenant's crop: The rights of one who has bought a crop from a tenant will be protected as against a subsequent forfeiture of the lease and the landlord's re-entry. 51 Mich 482. Also, where a tenant holding land under a lease which entitles him to reap as well as to sow a crop of wheat, sells the crop before default or forfeiture, his vendee's title is not defeated by a subsequent default. 97 Mich., 554.

A purchaser at a judicial sale takes no right to the landlord's share of a growing crop. 40, Oh. St. 340.

Landlord liable for damages for destroying crop: Destroying of a crop by a lessor after termination of a cropping lease, which provided that the lessee should have a share of the crop growing at the end of the lease, is a trespass. Damages due such lessee must take into account the expense of harvesting such crop if it is to be done by him. 17 O. C. C. 171.

Levy on unharvested crops; how made: When a levy shall be made upon grain while growing, or on any unharvested crops, by virtue of any execution, the officer making such levy shall file a notice of said levy in the office of the township clerk of the township, or city clerk of the city, or city recorder of cities having no officer known as city clerk, where such grain or crops are at the time of making such levy; and such clerk or recorder shall file said notice in his office, in the same manner as he is required by law to file a chattel mortgage; and such notice shall be constructive evidence to all persons of the interest of the plaintiff in the execution, and shall be entitled to the same fees therefor, to be paid by the plaintiff in the execution, and shall be collected as costs in the case, and no sale of said crops or grain shall be made until the same shall be ripe or fit to be harvested, and any levy thereon by virtue of an execution issued from a circuit court, or by a justice of the peace, shall be continued beyond the return day thereof, if necessary, and remain in life, and the execution thereof may be completed at any time within thirty days after such grain or other unharvested crops shall be ripe or fit to be harvested. [10321.]

V. Repairs.

In the absence of an agreement on his part so to do, a landlord is not obliged to make repairs even when the premises become defective by deterioration or decay. 116 Mich., 418. Covenants to repair are not implied, and a tenant cannot, without an agreement, make repairs and charge them to his landlord, but where a landlord agrees to make certain repairs before the commencement of the term, the tenant may refuse to accept possession until the landlord performs his covenant, and upon refusal of the landlord to make the repairs which he agreed to make, the tenant may do so himself, and deduct the cost thereof from the rent. Where the tenant agrees to make repairs, and upon failure to do so the landlord makes the repairs, he may recover the cost therefor from the tenant. If no time is fixed for the making of repairs the tenant has the term for it. 3 Dana 586. In the absence of an express covenant to the contrary, there is always an implied covenant on the part of the tenant to keep the premises in as good repair as he receives them, ordinary wear and tear and accidents excepted. 6 Mass. 23. 22 Ala. 382.

Removal of buildings: Where a lease reserves to the lessee the right, at the end of the term, to remove all buildings placed upon the leased premises, he is entitled to ingress and egress, rent free, for a reasonable time after the expiration of the lease, for the purpose of such removal. 99 Mich., 501.

VI. Notice to Quit; Ejectment.

Law of notice to quit: All estates at will or by sufferance may be determined by either party by three months' notice given to the other party; and when the rent reserved in a lease is payable at periods of less than three months, the time of such notice shall be sufficient if it be equal to the interval between the times of payment, and such notice shall not be held void by reason of its mentioning a day for the termination of the tenancy not corresponding to the conclusion or commencement of any such period, but in any such case the notice shall be held to terminate the tenancy at the end of a period equal in time to that in which the rent is made payable. And in all cases of neglect or refusal to pay rent on a lease at will or otherwise, seven days' notice to quit, given in writing by the landlord to the tenant, shall be sufficient to determine the lease. And in all cases of tenancy from year to year a notice to quit, given at any time, shall be sufficient to terminate said lease at the expiration of one year from the time of the service of such notice. [9257.]

How notice to quit may be served: The notice may be served upon the lessee himself or upon a person in possession under him. 17 Mich., 366.

How service of notice may be proved: The contents of the notice to quit may be proved by a duplicate original, which should be compared with the notice actually served, by the party serving it; but, if this precaution is not taken, parol evidence may be given of its contents; and it is not necessary in either case to give the defendant notice to produce the original in his possession. 2 Doug. 119.

VII. Nuisances.

Nuisances: As between landlord and tenant the tenant is presumptively liable for a nuisance on the premises unless the lease contemplated its continuance, in which case both would be liable. 49 M. 164, but the tenant alone, and not the landlord, is liable for nuisances originating and kept up during the tenant's exclusive occupancy, unless the landlord is shown to be responsible for repairs. 50 Mich., 324.

CHAPTER 19.

Liens.

I. Mechanic's lien.
II. Lien on certain personal property.
III. Lien on mine for labor.
IV. Lien on timber, lumber, logs, etc., for labor.

When lien for labor, material, etc., created; on what lands; notice, statement, etc.: Every person who shall, in pursuance of any contract, express or implied, written or unwritten, existing between himself as contractor, and the owner, part owner or lessee of any interest in real estate, build, alter, improve, repair, erect, ornament or put in, or who shall furnish any labor or materials in or for building, altering, improving, repairing, erecting, ornamenting or putting in any house, building, machinery, wharf or structure or shall build or repair any sidewalks, or shall furnish any materials therefor, and every person who shall as sub-contractor, laborer, or material-man, perform any labor or furnish materials to such original or principal contractor, or any sub-contractor, in carrying forward or completing any such contract, shall have a lien therefor upon such house, building, machinery, wharf, walk or walks, and other structure, and its appurtenances, and also upon the entire interest of such owner, part owner or lessee in and to the lot or piece of land, not exceeding one quarter section of land, or if in any incorporated city or village, not exceeding the lot or lots upon or around or in front of, which such improvement is made, to the extent of the right, title and interest of such owner, part owner or lessee at the time work was commenced or materials were begun to be furnished by the contractor under the original contract, or by the sub-contractor who furnishes or is furnished with any labor or material in the performance or execution of such sub-contract, and also the extent of any subsequent acquired interest of any such owner, part owner or lessee, and in case of the construction of a number of buildings or walks under one contract upon, around or in front of, the same lot or contiguous lots for the same owner, part owner or lessee, of any interest in the real estate upon which said buildings are situated or upon, around or in front of which said walk or walks are built or repaired, such lien for such material or labor so furnished, shall attach to all of said buildings, walk or walks, together with the land upon, around or in front of, which the same are being constructed, the same as hereinbefore provided in case of a single building, walk or improvement: *Provided,* That any person, firm or corporation furnishing mater-

ials or performing labor of any kind entering into the construction of such building, structure or walk, shall within thirty days after furnishing the first of such material or performing the first of such labor to any contractor or sub-contractor, serve on the owner, part owner or lessee of the premises, or his agent a notice, which notice shall be such as will inform the owner, part owner or lessee of the premises, or his agent, of the nature of the materials furnished, or labor performed, or to be performed, and a description of the premises where furnished, if such owner, part owner or lessee reside in or has a known agent in the county in charge of such structure, improvements, walk or walks, such notice may be in the following form:

To....., take notice that the undersigned is furnishing.....to.....certain labor or materials for building or altering, improving, repairing, erecting or ornamenting, as the case may be, a certain.....situated on or around or in front of the following described property.....

Such notices, however, shall be sufficient if served at any time subsequent to said thirty days, but before the original contractor shall make out and give to the owner, part owner, or lessee or his agent, a statement under oath of the number and names of every sub-contractor or laborer in his employ, and of every person, firm or corporation furnishing materials, giving the amount, if anything, which is due or to become due on them, or any of them, for work done or materials furnished as required by section four of this act. The owner, part owner or lessee shall not be liable to the sub-contractor, material-men or laborers, for any greater amount than he contracted to pay the original contractor, and shall be entitled to recoup any damages which he may sustain by reason of any failure or omission in the performance of such contract; but the risk of all payments made to original contractor after he shall have received the notice above mentioned, or before the contractor shall have furnished him with a statement as hereinbefore provided, shall be upon the owner, part owner or lessee until the expiration of sixty days, whithin which claims for lien may be filed as hereinafter provided, and no payment made to any contractor before the expiration of said sixty days shall defeat any lien of any sub-contractor, material-man or laborer, unless such payment has been distributed among the sub-contractors, material-men or laborers, or if distributed in part only, then to the extent of such distributions. [10710.]

When lien to hold on property of husband and wife jointly: In case the title to such lands upon which improvements are made is held by husband and wife jointly, or in case the lands upon which such improvements are made are held and occupied as a homestead, the lien given by this act shall attach to such lands and improvements if the improvements be made in pursuance of a contract in writing signed by both the husband and wife. [10711.]

When lien to hold building, etc.: Any person furnishing ser-

vices or materials for the erection of a new building or structure upon land to which the person contracting for such erection has no legal title, shall have a lien therefor upon such [building] buildings or structure; and the forfeiture or surrender of any title or claim of title held by such contracting person to such land shall not defeat the lien upon such building or structure of such person furnishing services or materials as aforesaid. In case the property covered by the lien is held by the vendee in a land contract, and he surrenders or forfeits his rights thereunder, the person or persons holding such liens may be subrogated to the rights of such vendee, as his rights existed immediately before such surrender or forfeiture, by performing the covenants contained in such contract within thirty days after such forfeiture or surrender is made. [10712.]

NOTE — The matter of procuring a lien should be placed in the hands of a competent lawyer. For that reason, no further provisions of the law are stated here.

Liens Upon Certain Personal Property.

Lien of mechanics, etc., on personal property in certain cases: Whenever any person shall deliver to any mechanic, artisan, or tradesman, any materials or articles for the purpose of constructing, in whole or in part, or completing any furniture, jewelry, implement, utensil, clothing, or other article of value, or shall deliver to any person any horse, mule, neat cattle, sheep, or swine to be kept or cared for, such mechanic, artisan, tradesman, or other person shall have a lien thereon for the just value of the labor and skill applied thereto by him, and for any materials which he may have furnished in the construction or completion thereof, and for the keeping and care of such animals, and may retain possession of the same until such charges are paid. [10746.]

Lien of mechanics, etc., on personal property in certain cases: When any person shall deliver to any mechanic, artisan or tradesman, any watch, clock, article of furniture or jewelry, implement, clothing or other article of value, to be altered, fitted or repaired, such mechanic artisan or tradesman shall have a lien thereon for the just value of the labor and skill applied thereto by him, and may retain possession of the same until such charges are paid. [10747.]

When lien may be enforced: In either of the cases mentioned in the two preceding sections, if the owner of the property, materials, or stock so delivered, or the person entitled thereto shall not, when such article shall have been constructed, completed, altered, fitted, or repaired, or the time having expired for the keeping such stock, and the same being ready to be delivered to such owner or other persons, and the charges thereon shall be due and payable, pay to such mechanic, artisan, or tradesman, or other person the amount of such charges,

the person having such lien may enforce the same as hereinafter provided. [10748.]

Suit for recovery of charges: The person having such lien may commence a suit for the recovery of such charges, by summons in the usual form, before any justice of the peace of the city or township in which he resides, or in any court, as the case may require, against the person liable for the payment thereof. [10749.]

Proceedings in case summons returned personally served: If such summons be returned personally served upon the defendant, the same proceedings shall thereupon be had, in all respects, as in other suits commenced by summons, in which there is a personal service of process, and judgment shall be rendered in such suit in like manner. [10750.]

Proceedings if defendant cannot be found: If the officer return upon such summons, that the defendant cannot be found within his county, the same proceedings shall be thereupon had, in all respects, as near as may be, as in suits commenced by attachment, in which there is not a personal service of a copy of the attachment upon the defendant, and judgment shall be rendered in such suit in like manner. [10751.]

Effect of judgment: If the plaintiff recover judgment in such suit, execution shall issue thereon in the same manner and with the like effect, as upon judgments rendered in suits commenced by attachment, and the property upon which the plaintiff holds such lien, or so much thereof as shall be sufficient to satisfy such execution may be sold thereon in the same manner as if it had been seized and held upon an attachment in such suit. [10752.]

Enforcing liens in other cases: The provisions of this chapter concerning liens upon personal property, and enforcing the same, shall apply to all cases of personal property on which the bailee or keeper thereof has by law a lien for any keeping, feed, care or labor by him bestowed upon such property. [10753.]

Expense of keeping beasts; when to be additional lien: If the property upon which any such lien shall be enforced as provided in this chapter, consist of horses, cattle, sheep, swine or other beasts, and any expenses shall have been incurred by the person having such lien after the same accrued in keeping and taking care of such property, the amount of such expenses shall be an additional lien upon the property, and shall be computed and ascertained upon the trial or assessment of damages, and included in the judgment. [10754.]

III. Lien Upon Mine, for Labor.

Miner's claims for labor a lien upon mines: Every person who shall furnish or perform any labor for any corporation, organized for the purpose of mining coal, shale or clay, and every bona fide holder of

any draft or order for the payment of money due for any such labor issued or drawn by an officer, clerk or agent of any such corporation, shall have a lien for the amount due thereon or therefor upon all the real and personal property of such corporation. Said lien shall take precedence of all other debts, judgments or decrees, liens or mortgages against such corporations, except liens accruing to this State for taxes, fines or penalties, and every such lien may be proceeded on, enforced and collected out of such real and personal property, or either of the same, in the same manner and under the same regulations, limitations and conditions as near as may be as are provided for by the law for the enforcement and collection of other liens on real or personal property as the case may be: Provided, That in the enforcement of any lien provided for in this act, it shall not be necessary to file, prove, or produce any written contract relative to the labor on which such lien is based. [Public Act No. 254, approved June 2, 1909.]

IV. Lien on Timber, Lumber, Logs, Etc., for Labor Performed Thereon.

Lien on Lumber, Timber, Etc.: Any person or persons who perform any labor or services in manufacturing lumber or shingles in or about any lumber or shingle mill, or in cutting, skidding, falling, hauling, scaling, banking, driving, running, rafting, or booming any logs, timber, cedar posts, telegraph poles, railroad ties, bark, shingle-bolts, stave-bolts, staves, cord-wood- pulp-wood, hop-poles, hoop-poles, veneering wood or any other forest products in this state, shall have a lien thereon for the amount due for such labor or services, and the same shall take precedence of all other claims or liens thereon. The word person or persons in this section shall be interpreted to include, cooks, blacksmiths, artisans and all others usually employed in performing such labor and services. [10756.]

Statement of lien; how made and filed: No such debt, demand or claim shall remain a lien on any of the above mentioned products unless a statement thereof in writing, made under oath by the claimant, or some one in his or her behalf, shall be filed in the office of the clerk of the county in which such labor or services were performed: Provided, When a lien is claimed for work and labor performed in running or driving said logs, timber, cedar posts, telegraph poles, railroad ties, tanbark, shingle-bolts, stave-bolts, staves, cord-wood, pulp-wood, hop-poles, hoop-poles or veneering wood, then said statement shall be filed in the office of the clerk of the county where the drive terminates. [10757.]

Lien for horseshoeing: See animals, Chap. I.

Lien upon get of stallion, etc.: See animals, Chap. I.

CHAPTER 20.

Manure and Fertilizers.

I. Manure.
II. Fertilizers.

Manure: The general rule is, that a tenant under a farming lease or contract has no right to remove from the premises so occupied any manure made in whole or in part from the produce of the land, without an express stipulation to that effect in the agreement. And the owner of the farm may maintain an action for its value, if the tenant take it away from the farm. If, however, a tenant in the rightful use of the premises, feed cattle thereon with supplies procured from sources foreign to the land, he may remove all the manure made by them which is not commingled with the soil, using reasonable care not to injure the premises in such removal. When any such supplies brought on the premises are fed along with the produce of the farm, the manure resulting therefrom, can only be taken away by the tenant, when he is able to specify how much feed he brought to the premises and what proportion it bore to the whole amount used. He must be able to distinguish the proportion made from his own supplies. — 87 D. 611; 55 D. 550.

II. Fertilizers.

Packages containing fertilizer; how to be labeled: Any person or persons who shall sell or offer for sale in this state any commercial fertilizer, the retail price of which exceeds ten dollars per ton, shall affix on the outside of every package containing such fertilizer a plainly printed certificate, stating the number of net pounds therein; the name or trade mark under which such article is sold; the name of the manufacturer; the place of manufacture, and a chemical analysis, stating the percentage of nitrogen in an available form; of potash soluble in water, and of phosphoric acid in an available form (soluble or reverted) and the insoluble phosphoric acid. [4965.]

Analysis of fertilizer to be filed with secretary of state: Before any commercial fertilizer is sold or offered for sale, the manufacturer, importer or party who causes it to be sold or offered for sale within this state, shall file with the secretary of the state board of agriculture a certified copy of the analysis and certificate referred to in section 4965, and shall also deposit with said secretary a sealed glass jar containing not less than two pounds of such fertilizer, with an affidavit that it is a fair sample of the article thus to be sold or offered for sale. [4966.]

License fee to be paid: The manufacturer, importer, or agent of any commercial fertilizer, the retail price of which exceeds ten dollars per ton as aforesaid, shall pay annually to the secretary of the state board of agriculture, on or before the first day of May, a license fee of twenty dollars for each and every brand of fertilizer he offers for sale in this state: Provided, That whenever the manufacturer or importer shall have paid this license fee his agents shall not be required to do so. [4967.]

Penalty for violation: Any person or persons who shall sell or offer for sale any commercial fertilizer in this state without first complying with the provisions of sections 4965, 4966, and 4967, or who shall attach or cause to be attached to any such package of fertilizer an analysis stating that it contains a larger percentage of any one or more of the constituents or ingredients named in section one of this act than it really does contain, shall upon conviction thereof be fined not less than one hundred dollars for the first offense, and not less than three hundred dollars for every subsequent offense, and the offender shall also be liable for all damages sustained by the purchaser of such fertilizer on account of such misrepresentation. [4970.]

CHAPTER 21.

Money and Interest.

Money of account: The money of account of this state, shall be the dollar, cent, and mill; and all accounts in the public offices, and all other public accounts, and all proceedings in courts, shall be kept and had in conformity with this regulation. [4854.]

Notes, etc., expressed in other money to be reduced to dollars, etc.: Nothing contained in the preceding section shall vitiate or affect any account, charge or entry, originally made, or any note, bond, or other instrument expressed in any other money of account; but the same shall be reduced to dollars and parts of a dollar, as hereinbefore directed, in any suit thereupon. [4855.]

Legal rate of interest; proviso: The interest rate of money shall be at the rate of five dollars upon one hundred dollars for a year, and at the same rate for a greater or less sum, and for a longer or shorter time, except that in all cases it shall be lawful for parties to stipulate in writing for the payment of any rate of interest, not exceeding seven per cent per annum: *Provided*, That this act shall not apply to existing contracts, whether the same be either due, not due or part due. [Sec. 4856 as amended May 25, 1899.]

Taking of usury not to void note, etc., but interest forfeited: No bond, bill, note, contract or assurance, made or given for or upon a consideration or contract, whereby or whereon a greater rate of interest has been, directly or indirectly, reserved, taken or received, than is allowed by law, shall be thereby rendered void; but in any action brought by any person on such usurious contract or assurance, except as is provided in the following section, if it shall appear that a greater rate of interest has been, directly or indirectly, reserved, taken or received, than is allowed by law, the defendant shall not be compelled to pay any interest thereon. [4857.]

When courts to declare interest void: Whenever it shall satisfactorily appear by the admission of the defendant, or by proof that any bond, bill, note, assurance, pledge, conveyance, contract, security, or any evidence of debt has been taken or received in violation of this act, the court shall declare the interest thereon to be void. [4858.]

Interest may be collected on interest due and unpaid: When any installment of interest upon any note, bond, mortgage, or other written contract, shall have become due, and the same shall remain unpaid, interest may be computed and collected on any such installment so due and unpaid, from the time at which it became due, at the same rate as

specified in any such note, bond, mortgage, or other written contract, not exceeding ten per cent; and if no rate of interest be specified in such instrument, then at the rate of seven per centum per annum. [4859.]

Rate of interest on notes, etc., payable out of this state: It shall be lawful for any person or corporation, borrowing money in this state, to make notes, bills, bonds, drafts, acceptances, mortgages, or other securities, for the payment of principal or interest, at the rates authorized by the laws of this state, payable at the place where the parties may agree, although the legal rate of interest in such place may be less than in this state; and such notes, bonds, bills, drafts, or other securities, shall not be regarded or held to be usurious, nor shall any securities taken for the same, or upon such loans, be invalidated in consequence of the rate of interest of the state, kingdom or country, where the paper is made payable, being less than in this state, nor of any usury or penal law therein. [4860.]

Not usurious if interest does not exceed the rates authorized by this state: No plea of usury, nor defense founded upon an allegation of usury, shall be sustained in any court in this state, nor shall any security be held invalid on an allegation of usury, where the rate of interest reserved, discounted or taken, does not exceed that allowed by the laws of this state, in consequence of such security being payable in a state, kingdom or country, where such rate of interest is not allowed. [4861.]

Interest authorized by this state without reference to law of place where payable, may be taken: It shall be lawful for all parties loaning money in this state, to take, reserve, or discount interest upon any note, bond, bill, draft, acceptance or other commercial paper, mortgage, or other security, at any rate authorized by the laws of this state, whether such paper or securities, for principal or interest, be payable in this state, or in any other state, kingdom or country, without regard to the laws of any other state, kingdom or country; and all such notes, bonds, bills, drafts, or acceptances, or other commercial paper, mortgages or other security, shall be held valid in this state, whether the parties to the same reside in this state or elsewhere. [4862.]

Interest on loans payable in other states not affected by laws of such states: When any contract or loan shall be made in this state, or between citizens of this state and any other state or country, bearing interest at any rate which was or shall be lawful according to any law of the state of Michigan, it shall and may be lawful to make the amount of principal and interest of such contract or loan payable in any other state or territory of the United States, or in England; and in all such cases, such contract or loan shall be deemed and considered as governed by the laws of the state of Michigan, and shall not be affected by the laws of the state or country where the same shall be made payable; and no contract or loan, which may have heretofore been made or entered into, in this state, or between citizens of this state and of any other

country, bearing interest at a rate which was legal according to the laws of this state at the time when the same was made or entered into, shall be invalidated or in anywise impaired or affected by reason of the same having been made payable in any other state or country. [4863.]

When usury not to affect negotiable notes, etc.: In any action brought on any bill of exchange, or promissory note payable in money, and to order or bearer, originally given or made for, or upon any usurious consideration or contract, if it shall appear that the plaintiff became, in good faith, the indorsee or holder of such bill of exchange or promissory note, for a valuable consideration, before the same became due, then and in such case, unless it shall further appear that the plaintiff, at the time of becoming such indorsee or holder, had actual notice that such bill or note was given for, or upon a usurious consideration or contract, he shall be entitled to recover thereon, in the same manner, and to the same extent, as if such usury had not been alleged and proved. [4864.]

Interest on judgment and decrees: Interest may be allowed and received upon all judgments at law, for the recovery of any sums of money, and upon all decrees in chancery, for the payment of any sums of money, whatever may be the form or cause of action or suit in which such judgment or decree shall be rendered or made; and such interest may be collected on execution at the rate of five per cent per annum: *Provided,* That on a judgment rendered on any written instrument having a different rate, which was a legal rate at the date of the execution of such instrument, the interest shall be computed at the rate specified in such instrument. [4865 as amended June 4, 1903.]

Interest on verdicts, etc.: In all actions founded on contracts express or implied, whenever in the execution thereof any amount in money shall be liquidated or ascertained in favor of either party, by verdict, report of referees, award of arbitrators, or by assessment made by the clerk of the court or by any other mode of assessment according to law, it shall be lawful, unless such verdict, report, award, or assessment shall be set aside, to allow and receive interest upon such amount so ascertained or liquidated, until payment thereof, or until judgment shall be thereupon rendered; and in making up and recording such judgment, the interest on such amount shall be added thereto, and included in the judgment. [4866.]

CHAPTER 22.

Offenses.

I. Certain offenses against property.
II. Certain offenses against the public health.
III. Certain offenses against chastity.
IV. Certain offenses against lives and persons.
V. Betting on horse races and elections.
VI. Bribing voters.
VII. Gross frauds and cheats.

I. Certain Offense Against Property.

Malicious burning or destruction of property; penalty: Every person who shall willfully and maliciously burn or otherwise destroy or injure, any pile or parcel of wood, boards, timber or other lumber, or any fence, bars or gate, or any stack of grain, hay or other vegetable product, or any vegetable product severed from the soil and not stacked, or any standing trees, grain, grass, or other standing product of the soil, or the soil itself, of another if such property so injured or destroyed shall be of the value of twenty-five dollars or less, shall be punished by a fine not exceeding one hundred dollars, or imprisonment in the county jail not exceeding three months, and if such property so injured or destroyed shall be of the value of more than twenty-five dollars, such person shall be punished by imprisonment in the state prison not more than five years, or by fine not exceeding five hundred dollars, or by imprisonment in the county jail not more than one year. [11542.]

Malicious injury and destruction of personal property; driving metal substances into timber of which lumber is to be made, etc.: Any person who shall willfully and maliciously drive, or cause to be driven, or imbedded, any nail, spike, or piece of iron, steel, or other metallic substance into any timber, log, or bolt which may now be, or may hereafter be put on the banks of or in any of the waters, or any mill-yards of this state, for the purposes of being made into lumber or marketed, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding one thousand dollars, or by imprisonment in the county jail not more than one year, or both such fine and imprisonment, in the discretion of the court. [11596.]

Killing of insured animals; when a felony; penalty: Any person who shall injure or kill any horse, mule or other live stock which shall be insured by any live stock insurance company authorized to do business in this state, when such killing or injury shall be with the willful intent

on the part of such person to defraud such insurance company, whether such person shall be the owner of such insured property or not shall be deemed guilty of a felony, and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars or by imprisonment in the state prison for a term not exceeding two years, or by both such fine and imprisonment, in the discretion of the court. [11597.]

Injury to land by cutting and carrying away timber therefrom; penalty when value is $25.00; receiving or storing, when a felony; penalty: See Chapter on Trespass.

Cutting or destroying wood, timber, grain, etc.: See Chapter on Trespass.

Injury to mining property or apparatus, etc.: Every person who shall willfully and maliciously cut, break, obstruct, injure or destroy or cause to be cut, broken, obstructed, injured or destroyed, any pump, pump-rod, man-engine, ladder, ladder-way, skip, skip-track, car, car-track, bell, signal, rope, cable or any other appliance or thing, whether herein particularly mentioned or not, used for or connected with the hoisting or pumping apparatus, or means of escape; or any stull, timber, plank, platform or other appliance or other thing, whether herein particularly mentioned or not, used for or connected with securing or upholding rock, or used for or connected with the purpose of securing the safety of workmen, the same being underground in any mine; or shall do the like to any structure, shaft-house, or machinery or appliances in or connected with any shaft-house or shaft above ground in any mine used or connected with pumping, signaling, hoisting men or materials, or with securing the safety of workmen underground, such mine being then in use or operation, shall be deemed guilty of felony and be punished by imprisonment in the state prison not more than twenty years, or by fine not exceeding five thousand dollars, in the discretion of the court. [11651.]

Entering vineyard, orchard or garden; penalty: That any person who shall enter a vineyard, orchard or garden without the consent of the owner, and pick, take, carry away, or destroy or injure any of the fruits, vegetables or crops therein, or in anywise injure or destroy any bush, tree, vine or plant, shall be guilty of a misdemeanor, and on conviction thereof shall be punished by imprisonment in the county jail not more than three months, or by fine not less than one nor more than one hundred dollars, or by both such fine and imprisonment, in the discretion of the court.

Willful and malicious destruction of fruit, shade or ornamental trees; penalty: Every person who shall willfully and maliciously de- or wantonly and without cause, cut down or destroy or otherwise injure any fruit tree or trees, or any other tree or trees, not his own, standing or growing for shade or ornament on the land of another, the damage for which said cutting down, destruction or injury to the owner or owners of said trees shall amount to the sum of twenty- five dollars, shall

be punished by imprisonment in the state prison not exceeding five years, or by imprisonment in the county jail not exceeding one year, or by fine not exceeding five hundred dollars, in the discretion of the court. [11646.]

Taking or injuring any fruit tree, shade tree, shrub, vine, etc.; wrongful taking of fruit trees, etc.; penalty: Any person who shall wrongfully take and carry away from any place, any fruit tree, ornamental tree, shade tree, ornamental shrub, or any plant, vine, bush, or vegetable there growing, standing, or being, with intent to deprive the owner thereof, or who shall without right and with wrongful intent, detach from the ground, or injure any fruit tree, ornamental tree, shade tree, ornamental shrub, or any plant, vine, bush or vegetable, shall be guilty of a misdemeanor, and on conviction thereof be punished by imprisonment in the county jail not more than six months, or by fine not exceeding two hundred and fifty dollars, or by both such fine and imprisonment, in the discretion of the court: Provided, That when the damage to the owner does not exceed the sum of twenty-five dollars, the punishment shall be a fine not exceeding one hundred dollars, or imprisonment in said jail not exceeding three months, or by both such fine and imprisonment in the discretion of the court. [11647.]

Maliciously injuring house, barn or other building; penalty, etc.: Every person who shall willfully and maliciously destroy or injure any house, barn, or other building of another, or the appurtenances thereof, if the damage resulting from such injury shall exceed twenty-five dollars, shall be punished by imprisonment in the state prison not more than five years, or by imprisonment in the county jail not more than one year, or by fine not exceeding five hundred dollars, or by both such fine and imprisonment.

Maliciously burning buildings, etc.: Every person who shall willfully and maliciously burn, either in the night-time or in the day-time, any banking house, warehouse, store, manufactory, mill, barn, stable, shop, office, out-house, or other building whatsoever of another, other than is mentioned in Section 11538, or any bridge, lock, dam or flume, or any ship, boat, or vessel of another lying within the body of any county, shall be punished by imprisonment in the state prison not more than ten years. [11540.]

Maliciously injuring monuments, extinguishing lamps, or defacing sign boards, etc.: Every person who shall willfully or maliciously break down, injure, remove, or destroy any monument erected for the purpose of designating the boundaries of any township, or of any tract or lot of land, or any tree marked for that purpose, or shall so break down, injure, remove or destroy any mile-stone, mile-post, deface, or alter the inscription on any such stone, post, or board, or shall willfully or maliciously mar or deface any building or sign-board, or extinguish any lamp, or break, destroy, or remove any lamp or any lamp post, or any railing or posts erected on any bridge, sidewalk,

street, highway, court or passage, or shall willfully or maliciously injure, remove, deface or destroy any board or structure lawfully erected or used for the posting of bills, posters or other notices, or shall willfully or maliciously mutilate, deface or destroy any bill, poster, or other printed or written notice lawfully posted on any board or structure, used for that purpose, without the consent of the owner or occupant thereof, shall be punished by imprisonment in the county jail not more than three months, or by fine not exceeding fifty dollars, or both fine and imprisonment, at the discretion of the court. [11586.]

Penalty for malicious injury to dams, reservoirs, etc.: Every person who shall willfully and maliciously break down, injure, remove, or destroy any dam, reservoir, canal, or trench, or any gate, flume, flash-boards, or other appurtenances thereof, or any levee or structure for the purpose of conveying water to any such dam or reservoir, or any of the wheels, mill-gear, or machinery of any mill, or shall willfully or wantonly, without color of right, draw off the water contained in any mill-pond, reservoir, canal, or trench, shall be punished by imprisonment in the state prison not more than five years, or by fine not exceeding five hundred dollars and imprisonment in the county jail not more than one year. [11582.]

Malicious injury to bridge, turnpike gates, etc.: Every person who shall willfully and maliciously break down, injure, remove or destroy any public or toll bridge, or any railroad, or any turnpike gate, or any lock in any dam, or any lock, culvert or embankment of any canal, or who shall willfully and maliciously make any aperture or breach in any such embankment, with intent to destroy or injure the same, shall be punished by imprisonment in the state prison not more than five years, or by fine not exceeding five hundred dollars, and imprisonment in the county jail not more than one year. [11583.]

II. Certain Offenses Against the Public Health.

Selling unwholesome provisions without notice: If any person shall knowingly sell any kind of diseased, corrupted or unwholesome provisions, whether for meat or drink, without making the same fully known to the buyer, he shall be punished by imprisonment in the county jail not more than six months, or by fine not exceeding two hundred dollars. [11404.]

Adulterating food and liquors: If any person shall fraudently adulterate, for the purpose of sale, any substance intended for food, or any wine, spirits, malt liquor, or other liquor intended for drinking, he shall be punished by imprisonment in the county jail not more than one year, or by fine not exceeding three hundred dollars, and the article so adulterated shall be forfeited and destroyed. [11404.]

Dead animals; failure to bury; penalty for neglect: If any person or persons shall put any dead animal or part of the carcass of any dead

animal, into any lake, river, creek, pond, road, street, alley, lane, lot, field, meadow or common, or in any place within one mile of the residence of any person or persons, except the same and every part thereof be buried at least two feet under ground, and if the owner or owners thereof shall knowingly permit the same to remain in any of the aforesaid places, to the injury of the health, or to the annoyance of the cttizens of this state, or any of them, every person so offending shall be deemed guilty of a misdemeanor, and upon conviction thereof shall forfeit and pay a sum not less than five dollars nor more than ten dollars, together with the costs of prosecution, and in default in the payment thereof, shall be imprisoned in the county in which such conviction may be had, not exceeding ten days, to be imposed by any court of competent jurisdiction; and every twenty-four hours said owner may permit the same to remain after such conviction, shall be deemed an additional offense against the provisions of this act, and upon conviction thereof shall forfeit and pay a further sum of not less than ten dollars and not more than thirty dollars, together with the costs of prosecution, to be recovered as aforesaid, and in default in the payment thereof, be imprisoned as aforesaid not more than thirty days, or be punished by both such fine and imprisonment, in the discretion of the court. [11432.]

Slaughter houses, etc., not to be kept within twenty rods of highway: No person shall keep or maintain any slaughter-house, slaughter-yard or slaughter-pen, or any other place for slaughtering [butchering] or killing animals, or rendering dead animals as a business, within twenty rods of any public highway within this state, or in any other place, except as provided in section forty-six of this chapter. [11433.]

Penalty: Any person offending against any of the provisions of the preceding section shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine of not more than one hundred nor less than twenty dollars, and in default of the payment of such fine shall be imprisoned in the county jail of the proper county not more than ninety days nor less than twenty days, in the discretion of the court: Provided, That the provisions of this act shall not apply within the limits of incorporated villages and cities. [11434.]

Regulation of the sale of poisons; duty of druggists; penalty for neglect thereof: Every apothecary, druggist, or other person who sells any arsenic, strychnine, corrosive sublimate, prussic acid, or other poison, shall keep a record of the date of such sale, the article and amount thereof sold, and the person or persons to whom delivered, and their residence, which record shall be open to the inspection of any police officer or physician during the business hours of each day; and each and every neglect to keep such record as herein provided, shall be deemed a misdemeanor, and the person or persons guilty thereof shall, upon conviction thereof, be liable to a fine not exceeding fifty dollars. [11435.]

Penalty for giving a false name: The giving a false or fictitious name to the apothecary, druggist, or other person from whom such

poison was purchased, shall be deemed a misdemeanor, and the person or persons guilty thereof shall, upon conviction thereof, be liable to a fine not exceeding fifty dollars. [11436.]

Coloring, stain or powder injurious to food prohibited: No person shall mix, color, stain or powder, or order or permit any other person to mix, color, stain or powder any article of food with any ingredient or material so as to render the article injurious to health, with the intent that the same may be sold; and no person shall knowingly sell or offer for sale, any such article so mixed, colored, stained or powdered. [11426.]

III. Certain Offenses Against Chastity, Etc.

Blasphemy: If any person shall willfully blaspheme the holy name of God, by cursing, or contumeliously reproaching God, he shall be punished by imprisonment in the county jail not more than six months, or by fine not exceeding fifty dollars. [11706.]

Cursing and swearing: If any person who has arrived at the age of discretion, shall profanely curse or damn, or swear by the name of God, Jesus Christ, or the Holy Ghost, he shall, on conviction thereof before any justice of the peace, be punished by fine not exceeding five dollars, nor less than one dollar; but no such prosecution shall be sustained unless it shall be commenced within five days after the commission of such offense. [11707.]

Drunkenness; penalty: Any person who shall be drunk or intoxicated in any hotel, tavern, inn or place of public business, or in any railway car, or street car, or in any street, alley, lane, highway, or railway, or other public place, or in any public assemblage of people, shall, on conviction thereof before any court of competent jurisdiction, be punished by a fine not exceeding twenty dollars and the costs of prosecution, or by imprisonment in the common jail of the county not exceeding thirty days, or by both such fine and imprisonment in the discretion of the court. [11736.]

Indecent or obscene language not to be used in presence of woman or child; penalty: It shall be unlawful for any person or persons to use any indecent, immoral, obscene, vulgar or insulting language in the presence or hearing of any woman or child within the limits of any township, village or city in the state of Michigan. Any person who shall violate any of the provisions of this act shall, upon conviction thereof, be punished by a fine of not more than one hundred dollars or imprisonment in the county jail not exceeding ninety days, and in case of the non-payment of such fine when imposed, the court trying the same may make a further sentence that the offender be imprisoned in the county jail for a definite period not exceeding ninety days, unless said fine shall be sooner paid. [11737.]

Disturbing religious worship: Any person who, on the first day of the week, or at any other time, shall willfully interrupt or disturb

any assembly of people met for the worship of God, within the place of such meeting or out of it, shall, on conviction thereof before any justice of the peace, be punished by imprisonment in the county jail not more than thirty days, or by fine not exceeding fifty dollars. [11708.]

Exciting disturbance a misdemeanor; penalty: If any person shall make or excite any disturbance or contention in any tavern, store or grocery, street, lane, alley or highway, or at any election, or other public meeting where citizens are peaceably and lawfully assembled, he shall be deemed guilty of a misdemeanor, and upon conviction before any justice of the peace, or police justice, be punished by fine not exceeding twenty-five dollars and costs of prosecution, or imprisonment in the county jail not more than ninety days, or by both such fine and imprisonment, in the discretion of the court or magistrate. [11709.]

Prize fight; penalty for engaging in: Any person who shall hereafter be a party to, or engage in a prize fight, or any other fight in the nature of a prize fight, in this state, or who shall aid or abet therein, shall, on conviction thereof, be punished by imprisonment in the state prison for a term not exceeding five years, nor less than one year, or by a fine not exceeding two thousand dollars, nor less than two hundred dollars, or by both fine and imprisonment, at the discretion of the court.

For training parties, or carrying to or from prize fight: All persons who shall engage in the training of any party to a prize fight, or shall assist therein, or who shall knowingly carry any person or persons to or from a prize fight, shall be deemed aiders and abettors, within the meaning of the preceding section. [11733.]

Meetings for religious worship not to be disturbed; selling liquors at shows, and obstruction of highways forbidden: No person shall willfully disturb, interrupt or disquiet any assembly of people met for religious worship, by profane discourse, by rude and indecent behavior, or by making a noise either within the place of worship, or so near it as to disturb the order and solemnity of the meeting; nor shall any person within two miles of the place where any religious society shall be actually assembled for religious worship, expose to sale or gift, any ardent or distilled liquors, wine, beer, cider, fruit, or any other article of food or merchandise, or keep open any huxter shop in any other place, inn, stand or grocery, than such as shall be, or have been duly licensed, or in which such person shall have usually carried on such business; nor shall any person within the distance aforesaid, exhibit any shows or plays, unless the same shall have been duly licensed by the proper authority; nor shall any person within the distance aforesaid, promote, aid, or be engaged in any racing of any animals, or in any gaming of any description; nor shall any person obstruct the free passage of any highway to any place of public worship, within the distance aforesaid. [11713.]

Penalty: Whoever shall violate either of the provisions of the foregoing section, may be convicted summarily before any justice of the peace of the county, or any mayor, recorder, alderman, or other magistrate of any city or township where the offense shall be committed, and on such conviction shall forfeit a sum not exceeding twenty-five dollars, for the benefit of the township libraries, in the township in which such conviction is had. [11714.]

Duty of sheriffs, marshals, etc., when religious meeting is disturbed: It shall be the duty of all sheriffs, and their deputies, coroners, marshals, constables, and other peace officers, all presiding elders, and ministers of the gospel, deacons, stewards, and official members of any church or religious society, who may be present at the meeting of any assembly for religious worship which shall be interrupted or disturbed in the manner herein prohibited, on sight to apprehend the offender, and take him before some justice of the peace, or other magistrate authorized to convict as aforesaid, to be proceeded against according to law. [11715.]

May be ordered into custody of official members of church etc.: All judges, mayors, aldermen, recorders and justices of the peace, within their respective jurisdictions, upon their own view of any person offending against the provisions of either of the last three preceding sections of this chapter, may order the offender into the custody of any officer in the preceding section named, or any official member of the church or society so assembled or disturbed, for safe keeping, until he shall be held to bail, or a trial for such offense be had. [11716.]

Proceedings if penalty not paid or secured: If any person convicted of any of the offenses herein prohibited, shall not immediately pay the penalty incurred, with the costs of the conviction, or give security to the satisfaction of the officer before whom the conviction shall be had, for the payment of the said penalty and costs within twenty days thereafter, he shall be committed by warrant to the common jail of the county, until the same be paid, or for such term, not exceeding thirty days, as shall be specified in the warrant. [11717.]

Persons complained of may demand jury, etc.; costs: It shall be lawful for any person complained of, for the violation of any of the provisions of either of the last two preceding sections of this chapter, before the court shall proceed to investigate the merits of the cause, to demand of such court, that he may be tried by a jury; upon such demand, it shall be the duty of such court to issue a venire to any constable of the county or marshal of the city where the case is to be tried, commanding such officer to summon the same number of jurors, and in the same manner as is provided for in the summoning of jurors before courts of justices of the peace. The said court shall proceed to impanel a jury for the trial of said cause, in the same manner, and shall be subject to all the rules and regulations prescribed in the act providing for trial by jury in courts of justices of the peace; and the

costs of suit shall be paid by the party offending in case of conviction, and shall be the same as is allowed by law in civil cases. [11718.]

Assault of females under 14, felonous; punishment: If any male person or persons over the age of fourteen years shall assault a female child under the age of fourteen years, and shall take indecent and improper liberties with the person of such child, without committing or intending to commit the crime of rape upon such child, he shall be deemed a felonious assaulter, and on conviction thereof shall be punished by imprisonment in the state prison not more than ten years, or by fine not exceeding one thousand dollars, or both such fine and imprisonment, in the discretion of the court. [11719.]

Penalty for assault in certain cases: If any person shall undertake to medically treat any female person, and while so treating her, shall represent to such female that it is, or will be, necessary or beneficial to her health that she have sexual intercourse with a man, and shall thereby induce her to have carnal sexual intercourse with any man, or if any man, not being the husband of such female, shall have sexual intercourse with her by reason of such representation, the person or persons so offending shall, on conviction thereof, be punished by imprisonment in the state prison for any term of years not exceeding ten years. [11721.]

Unlawful for females to debauch boys under fifteen years of age: penalty: Any female person over the age of fifteen years, who shall knowingly and willfully debauch the person and deprave the morals of any boy under the age of fifteen years, either by lewdly inducing or enticing any such boy to carnally know any such female person, or by indecent bodily contact with the person of any such boy communicating to him any venereal or other loathsome disease, shall be deemed guilty of a felony, and, upon conviction thereof, be punished by imprisonment in the state prison for not more than five years, in the discretion of the court. [11722.]

Unlawful for males to debauch boys under fifteen years of age; penalty: Any male person over the age of fifteen years who shall debauch and deprave the morals of any boy under fifteen years of age, by enticing or soliciting such boy to commit the abominable and detestable crime against nature, either with any man or beast, or who shall himself commit or attempt to commit the abominable and detestable crime against nature with or upon any such boy, whether with or without the consent of such boy, shall be deemed guilty of a felony, and upon conviction thereof be punished by imprisonment in the state prison for not more than five years, in the discretion of the court. [11723.]

Display of certain pictures, etc., unlawful. It shall be unlawful for any person to post, place or display on any sign board, bill board, fence, building, sidewalk, or other object or in any street, road, or other public place, any sign, picture, printing, or other representation of murder, assassination, stabbing, fighting or of any personal violence, or of the

commission of any crime, or any representation of the human form in an attitude or dress which would be indecent in the case of a living person, if such person so appeared in any public street, square or highway.

Prohibiting the printing, etc., of virtues of medicine in immoral language; penalty; each appearance of such publication a new offense: No person or persons, their agents or clerks, shall print, stamp, or engrave on any cards, bills, or posters for public display or advertisement, or publish in any newspaper in the state of Michigan, the virtues or applications and its or their effects of any such patent and other simple or compound medicine, in language of immoral tendency or of ambiguous character. Any person or persons, their agents or clerks, who shall fail to comply with the requirements herein expressed, shall be deemed guilty of a misdemeanor, and shall be liable to a fine not less than fifty nor more than one hundred dollars, or to imprisonment in the county jail not exceeding three months, or both, for each and every offense. Any proprietor or proprietress of any newspaper published in the state of Michigan, who shall permit any such publications to appear in consecutive issues, each and every day shall be deemed à new and separate offense, and shall be liable to a penalty as herein expressed. [11727.]

Penalty for publishing, etc., circulars, etc.: The publication or sale within this state of any circular, pamphlet, or book containing recipes or prescriptions in indecent or obscene language for the cure of chronic female complaints or private diseases, or recipes or prescriptions for drops, pills, tinctures, or other compounds designed to prevent conception, or tending to produce miscarriage or abortion is hereby prohibited; and for each copy thereof, so published and sold, containing such prohibited recipes or prescriptions, the publisher and seller shall each be deemed guilty of a misdemeanor, and shall be liable to the same penalties provided for a violation of the preceding section. [11728.]

Obscene books or prints: If any person shll import, print, publish, sell or distribute any book, pamphlet, ballad, printed paper, or other thing containing obscene language, or obscene prints, pictures, figures or descriptions, manifestly tending to the corrupttion of the morals of youth, or shall introduce into any family, school or place of education, or shall buy, procure, receive or have in his possession, any such book, pamphlet, ballad, printed paper or other thing, either for the purpose of sale, exhibition, loan or circulation, or with intent to introduce the same into any family, school or place of education, shall be punished by imprisonment in the county jail not more than one year, or by fine not exceeding one thousand dollars. [11700.]

Search warrant may issue for same; destruction of: Any justice of the peace may issue a search warrant, for the purpose of searching for any such obscene books, pamphlets, ballads, printed papers or other things mentioned in the preceding section, in the manner provided by law in cases of property stolen or embezzled; and all such things, which shall be found by any officer, in executing a search warrant, or which

shall be produced or brought into court, shall be safely kept so long as shall be necessary for the purpose of being used as evidence in any case and as soon as may be afterwards, shall be destroyed by order of the court before whom the same shall be brought. [11701.]

An Act to Prevent the Sale or Otherwise Disposing of Obscene, Immoral, and Indecent Books, Pamphlets, Papers, Prints, Pictures, Writings, and Other Objectionable News.

What constitutes a misdemeanor under this act; penalty for: Any person who sells, lends, gives away, or offers to sell, lend, or give away, or shows, or has in [his] possession with intent to sell, lend, or give away, or to show or advertise, or who offers to loan, give, sell, or distribute any obscene, immoral, lewd, lascivious or indecent book, magazine, pamphlet, newspaper, writing, paper, print, picture, drawing, publication, or photograph, or any article or instrument of indecent or immoral use, or who designs, copies, draws, photographs, prints, utters, publishes, or otherwise prepares such a book, picture, drawing, paper, or other article or thing, or writes or prints, or causes to be written or printed, a circular, advertisement, or notice of any kind, or gives information orally, stating when, where, how, or of whom, or by what process such obscene article or thing can be purchased or obtained: or second, any person who sells, lends, gives away, or shows, or has in his possession with intent to sell, or give away, or to show, advertise, or otherwise offers for loan, gift, or distribution, any book, pamphlet, magazine, newspaper, or other printed paper, devoted to the publication or principally made up of criminal news, police reports, or accounts of criminal deeds, or pictures and stories of deeds of bloodshed, lust, or crime; or third, any person who in any manner hires, uses, or employs any minor child to sell, or give away, or in any manner to distribute, or who having the care, custody, or control of any minor child, permits such child to sell, give away, or in any other manner to distribute any book, magazine, pamphlet, newspaper, story paper, writing, paper, picture, drawing, photograph, or other article or matter coming within the description of articles and matter mentioned in the first and second subdivisions of this section or any of them, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by imprisonment in the county jail not more than three months, or by fine not exceeding one hundred dollars, or by both such fine and imprisonment in the discretion of the court. [11702.]

IV. Certain Offenses Against Lives and Persons.

Cruelty to children; penalty; provisions for care of children: Any parent or guardian or person under whose protection any child may be, who tortures, cruelly or unlawfully punishes, or willfully, unlawfully, or negligently deprives of necessary food, clothing or shelter, or who will-

fully abandons a child under sixteen years of age, or who habitually causes or permits the health of such child to be injured, his or her life endangered by exposure, want or other injury to his or her person, or causes or permits him or her to engage in any occupatioon that will be likely to endanger his or her health or deprave his or her morals or who habitually permits him or her to frequent public places for the purpose of begging or receiving alms, or to frequent the company of or consort with reputed thieves or prostitutes, or by vicious training depraves the morals of such child, shall upon conviction be deemed guilty of a felony, and punished by imprisonment in the county jail or in the state prison or the state house of correction at Ionia at hard labor for not more than five years nor less than three months: Provided, however, If, after such conviction and before sentence, in case the child has not been deformed or maimed, he or she shall appear before the clerk of the court in which said conviction shall have taken place, and with good and sufficienty surety, to be approved by said clerk, enter into bond to the people of the state of Michigan in the penal sum of one thousand dollars conditioned that he or she will furnish such child or children with necessary and proper home, care, food, shelter, protection and clothing, the said court may suspend sentence therein. When complaint is made on oath or affirmation to a magistrate or court having jurisdiction in such cases that the complainant believes that any of the provisions of law relating to or affecting children are being, or are about to be violated in any particular building or place, such magistrate or court being satisfied that there is reasonable ground for such belief, shall issue a warrant directed to the proper sheriff, constable, police officer or agent of such association, authorizing him to enter and search such building or place, and to arrest any person there present violating or attempting to violate any such law, and to bring such person before some court or magistrate of competent jurisdiction, together with the child or children concerning whom such offense has been committed, to be dealt with according to the law; and such attempt shall be held to be a violation of such law, and shall subject the person charged therewith if found guilty to the penalties provided for such violation. [11507.]

Toy pistols, cartridges, etc., sale or gift of to children under thirteen years of age forbidden: No person shall sell, give, or furnish to any child under the age of thirteen years, any cartridge of any form or material, or any pistol, gun, or other mechanical contrivance, specially arranged or designated for the explosion of the same. [11530.]

Penalty: Any person, violating any of the provisions of the foregoing section, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than ten dollars, nor more than fifty dollars, and costs of prosecution, or imprisonment in the county jail not less than ten days nor more than ninety days, or both such fine and imprisonment, in the discretion of the court. [11531.]

Possession by children unlawful: It shall be unlawful for any per-

son under the age of thirteen years, to have in possession or use any of the articles named in section one of this act. [11532.]

Firearms; penalty for careless use of: Any person who shall intentionally, without malice, point or aim any fire-arm at or toward any other person, shall be guilty of a misdemeanor, and shall be subject to a fine of not more than fifty dollars, and not less than five dollars. [11509.]

Penalty for discharge without injury: That any person who shall discharge, without injury to any other person, any fire-arm, while intentionally, without malice, aimed at or toward any person, shall be guilty of a misdemeanor, and shall be liable to a fine of not less than one hundred dollars, or imprisonment in the county jail not to exceed one year, or both, at the discretion of the court. [11510.]

Penalty for maiming or injuring; penalty in case of death: Any person who shall maim or injure any other person by the discharge of any fire-arm pointed or aimed, intentionally but without malice, at any such person, shall be guilty of a misdemeanor, and shall be punished by a fine of not less than fifty dollars, or imprisonment in the county jail for a period of not more than one year; and if death ensue from such wounding or maiming, such person so offending shall be deemed guilty of the crime of manslaughter. [11511.]

Action for damages: Any person maimed or wounded by the discharge of any fire-arm as aforesaid, or the heirs or representatives of any person who may be killed by such discharge, may have an action on the case against the party offending, for damages which shall be found by a jury, and such damages, when found, may, in the discretion of the court before which such action is brought, be doubled. [11512.]

Poisoning food, wells, etc.; penalty: If any person shall mingle any poison with any food, drink or medicines, with intent to kill or injure any other person, or shall willfully poison any spring, well or reservoir of water, with such intent, he shall be punished by imprisonment in the state prison for life, of any term of years. [11496.]

V. Betting on Horse Races and Elections.

a. HORSE RACES.

What deemed racing, and punishment therefor: All running, trotting, or pacing of horses, or any other animals, for any bet or stakes, in money, goods, or other valuable thing, excepting such as are by special laws for that purpose expressly allowed, shall be deemed racing within the meaning of this chapter, and are hereby declared to be common and public nuisances and misdemeanors; and all parties concerned therein, either as authors, betters, stakers, stake-holders, judges to determine the speed of animals, riders, contrivers, or abettors thereof, shall be deemed guilty of a misdemeanor, and shall be punished by a fine not exceeding

five hundred dollars, or by imprisonment not exceeding one year in the county jail. That the giving of premiums by agricultural and other societies and associations, for the running and trotting horses at fairs or regularly appointed meetings shall not be illegal or unlawful. [11396.]

Apprehension, etc., of persons offending: Upon his own view of any person offending against the provisions of this chapter, as well as upon the testimony of others, any justice of the peace may issue his warrant for the immediate apprehension of the persons so offending, to the end that they may be compelled to enter into recognizances, with sufficient sureties for their good behavior, and for their appearance at the next circuit court for the county, to answer for the said offenses. [11397.]

Forfeiture for making up purse, etc.: Every person who shall contribute or collect any money, goods, or things in action, for the purpose of making up a purse, plate, or other valuable thing, to be raced for by any animal, contrary to law, shall forfeit the sum of twenty-five dollars for each offense. [11398.]

Owners to forfeit value of animal, etc.: The owner in whole or in part of any animal that shall be used or employed by his permission or privity, in racing, contrary to law, shall forfeit the value of the animal so used or employed; and every person who shall be concerned in laying any bet or wager upon the vent of any illegal race, or in contributing to the stakes to be awarded upon any such event, shall forfeit the amount of the bet or wager so made, or of the sum or thing so contributed. [11399.]

b. ELECTIONS.

Penalty for betting on election: Any person who shall, either directly or indirectly, bet, wager, or hazard any money, or other property, upon the result of the election of any officer of this state, or of the United States, shall, on conviction thereof, be liable to a fine at least equal in amount to the amount of money or the value of the property so bet, wagered or hazarded: Provided, That in no case shall such fine be less than five, nor more than five hundred dollars. [11444.]

Selling pools on election, etc., prohibited; penalty for wagering money, etc., exceeding one hundred dollars: Any person who shall keep any room or building for the purpose, in part or in whole, of recording or registering bets or wagers, or of selling pools upon the result of any political nomination, appointment, or election, and any person who shall record or register bets or wagers or sell pools on such result, or any person who shall wager any property, money, or thing exceeding one hundred dollars in value on such result, or shall keep or employ any device or apparatus for the purpose of registering or recording bets or wagers, or the selling of such pools, shall be deemed guilty of a misdemeanor, and shall on [upon] conviction thereof be punished by imprisonment in the county jail not more than one year, or by a fine not ex-

ceeding one thousand dollars, or by both such fine and imprisonment. [11445.]

Penalty for wagering money, etc., not exceeding one hundred dollars: Any person who shall wager any property, money or thing not exceeding one hundred dollars in value, or shall become the custodian or depository of any money, property, or thing of value, staked, wagered, or pledged upon the result of any political nomination, appointment, or election, shall be deemed guilty of a misdemeanor, and shall upon conviction thereof be punished by imprisonment in the county jail not more than three months, or by fine not exceeding one hundred dollars, or by both such fine and imprisonment. [11446.]

VI. Bribing Voters.

Persons deemed guilty of bribery who shall corrupt voters by: The following persons shall be guilty of bribery, and shall be punished accordingly:

The offer of money or valuable consideration: First, Every person who shall, directly or indirectly, by himself or by any other person on his behalf, give, lend, or agree to give or lend, or shall offer or promise any money or valuable consideration or promise or endeavor to procure any money or valuable consideration to or for any voter, or to or for any person on behalf of any voter, or to or for any person in order to induce any voter to vote or refrain from voting, or shall corruptly do any such act as aforesaid, on account of such voter having voted or refrained from voting for any person, candidate or ticket at any public election in this state;

The offer or promise of office, place, or employment: Second, Every person who shall, directly, or indirectly, by himself or by any other person on his behalf, give or procure, or agree to give or procure, or offer or promise any office, place, or employment, or promise to procure or to endeavor to procure any office, place, or employment to or for any voter, or to or for any other person in order to induce such voter to vote or refrain from voting, or shall corruptly do any such act as aforesaid, on acount of any voter having voted or refrained from voting for any person, candidate or ticket, at any such election;

The employment of others to corrupt voters: Third, Every person who shall, directly or indirectly, by himself or by any other person on his behalf, make any gift, loan, offer, promise, procurement, or agreement, as aforesaid, to or for any person, in order to induce such person to procure or endeavor to procure the election of any person to any public office in this state, or the vote of any voter at any such election:

Who shall receive gift, etc., and in consequence attempt to corrupt voters: Fourth, Every person who shall upon, or in consequence of any such gift, loan, offer, promise, procurement, or agreement, procure or engage, promise or endeavor to procure the election of any person or

persons to any public office or offices in this state, or the vote of any voter at any such election;

Who shall advance money for bribery of voter: Fifth, Every person who shall advance, or pay, or cause to be paid any money to, or to the use of, any other person, with the intent that such money or any part thereof shall be expended in bribery at any such election, or who shall knowingly pay or cause to be paid any money to any person in discharge or repayment of any money, wholly or in part, expended in bribery at any such election. [11447.]

Penalty for violating preceding sections; legitimate election expenses: Any person offending according to the provisions of the preceding section, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of two hundred dollars; but the bona fide payment by any such candidate for office or other person for the fair and reasonable cost of printing tickets and slips or pasters, and of advertising in the newspapers or by posters any political meeting, and the reasonable and bona fide expenses of holding such meetings and procuring speakers, and getting out the people to the same, of obtaining and distributing papers and tickets and of bringing voters out to the polls: shall be held to be expenses lawfully incurred, and the payment thereof shall not be in contravention of this act. [11448.]

VII. Gross Frauds and Cheats.

Gross frauds and cheats; how punished: Every person who shall be convicted of any gross fraud or cheat at common law, shall be punished by imprisonment in the state prison not more than ten years, or in the county jail not more than one year, or by fine not exceeding five hundred dollars. [11576.]

CHAPTER 23.

Promotion of Farming Interests of the State.

I. Farmers' Institutes.
II. Farm Home Reading Circles.
III. Experiment Bulletins.
IV. Weather and Crop Reports.

I. Farmers' Institutes.

Farmers' institute society; how organized, etc.: When twenty or more persons, residents of any county in this state, organize themselves into a society to be called the _____ county farmers' institute society, for the purpose of teaching better methods of farming, stock raising, fruit culture, and all branches of business connected with the industry of agriculture, and adopt a constitution and by-laws agreeable to rules and regulations furnished by the state board of agriculture; and when such society shall have elected such proper officers and performed such other acts as may be required by the rules of said board, such society shall be deemed an institute society in the meaning of this act: Provided, That not more than one such institute society in any county shall be authorized by this act: And provided further, That any existing organization, approved by the board of agriculture, shall be considered a legally organized institute society under the terms of this act. [1879.]

One official institute to be held annually in each county; State contribution to meetings of other societies in county, etc: In each county where an institute society shall be organized and maintained under the provisions of this act the state board of agriculture shall hold one annual institute at such place in the county, and at such time as said board may deem expedient, and shall furnish for the institute a lecturer or lecturers, with all expenses paid. The county institute society shall provide a suitable hall for the institute, furnish fuel and lights, and pay other local expenses, and shall provide speakers who shall occupy one-half the time of the institute that is given to set addresses: Provided, That upon the request of any institute society which desires to conduct its own institute and to employ lecturers from outside of the county in lieu of lecturers sent by the state board of agriculture, the said board may, in its discretion, grant to the society from the institute fund money not to exceed twenty-five dollars, said money to be expended by the society entirely in payment of services and expenses of said lecturers. [1880.]

One day, and four day institutes; instruction, agricultural subjects, etc.: The state board of agriculture is further authorized to hold a number of one day institutes in such counties as it may deem expedient. Also, if the funds appropriated by this act permit the said board may hold a number of four day institutes at such places and times as said board may determine, at which the primary object shall be to furnish a school of instruction in practical agriculture and kindred sciences. [1881.]

II. Farm Home Reading Circle.

Farm home reading circle: The state board of agriculture shall maintain the course of reading known as the farm home reading circle, and may expend from the moneys appropriated by this act a sum not to exceed two hundred dollars for each of the two years for which the appropriation is made, for the maintenance and extension of said course. [1882.]

III. Experiment Bulletins.

Experiment bulletins to be prepared and distributed: The state board of agriculture is authorized to provide from time to time, in bulletin form, for the dissemination among the people of this state, and through the medium of the public press the results of experiments made in any of the different departments of the agricultural college, and such other information that they may deem of sufficient importance to require it to come to the immediate knowledge of the farmers and horticulturists of the state. [1868.]

Professors of college to prepare articles and furnish newspapers: The several professors of chemistry, zoölogy, botany, agriculture, horticulture, and veterinary science, shall each, at least twice in each year, not excluding the president and other professors, prepare for publication an article embracing such facts as they may deem of public importance, a copy of which shall be simultaneously sent to each and every newspaper published in the state, and to such persons as the state board of agriculture may think proper; said professors to so arrange that at least one of said articles shall be sent out, as above provided, the first week of each and every month, in each and every year. [1869.]

IV. Weather and Crop Reports.

Weather and crop reports: By Act No. 246, passed in 1895, there was established a bureau to be known as the Michigan weather service, the same to be a permanent institution and charge upon the state, and to consist of one director, who shall be detailed by the chief of the weather bureau, United States Department of Agriculture, and one voluntary observer in each county of the state where practicable.

One thousand dollars is appropriated annually by the state to support said bureau, and all the taxable property of the state is assessed annually to raise the said sum. Section 4 of said Act as amended, June 7, 1899, makes a provision of great importance to the agricultural interests of the state. It reads as follows:

Monthly and annual summaries; weekly crop bulletin: "The director shall furnish to the State Board of Agriculture monthly and annual summaries for publication, which monthly and annual summaries shall be of like form and style as those published by other state weather services. The director shall also, during the agricultural planting, growing and harvesting seasons, issue a weekly weather crop bulletin, which bulletin shall give the weather and crop conditions during those seasons * * * * *."

Regulating Sale of Binder Twine.

[From Public Act No. 55 approved April 30, 1909.]

No binder twine shall be sold, exposed or offered for sale within this state, except the same bear upon each ball a stamp, tag or label truly stating the name of the manufacturer, importer or jobber of such twine, the kind or kinds of material it contains, and the number of feet to the pound in such ball: Provided, That a deficiency not exceeding five per cent in the length or tensile strength stated on the stamp, tag or label shall not be a violation thereof.

Regulating Sale of Agricultural Seeds and Fruit Trees.

[From Public Act No. 289 approved June 2, 1909.]

Section 1. * * * All fruit trees, including apple, pear, peach, cherry and plum, shall be true to name for which they are sold: * * *

Sec. 6. No person shall sell or offer, expose or have in his possession for sale for the purpose of seeding, any seeds of cereals, grasses, clovers or forage plants containing more than two per cent of any one or more of the following weeds: Quack grass, Agropyron repens Beauv.; charlock, Brassica arvensis B. S. P.; black mustard, Brassica nigra Kock; Indian mustard, Brassica juncea; false flax, Camelina sativa Crantz; Canada thistle, Carduus arvensis Robs; chicory, Cichorium intybus L.; oxeye daisy, Chrysanthemum Laucanthemum L.; dodder, Cuscuta; wild carrot, Daucus carota L.; orange hawkweed, Hieracium aurantiacum L.; toadflax, butter and eggs, Linaria linaria Karst; narrow-leaved plaintain, Plantago lanceolata L.; Rugel's plantain, Plantago Rugelii Dec.; night flowering catchfly, Silene notifora L.; penny-cress, Thlaspi arvensis L.

Sec. 7. Seeds sold or offered for sale shall not contain adulteration of more than five per cent of other distinguishable seed, sand, crushed rock or any other materials to be found mixed with agricultural seed, and considered by the director of the state experimental station to be as objectionable as any of those named in section six. * * * * *

CHAPTER 24.

Roads.

I. Laying out, altering and discontinuing highways.
II. Taxes for highway purposes.
III. Good roads district.
IV. County road law.
V. State reward for roads.
VI. For security of persons and property on the highways.
VII. The obstruction of highways and encroachments thereon.
VIII. The erection, repairing and preservation of bridges.
IX. Opening of private roads and temporary highways.
X. Penalties and forfeitures.
XI. Shade trees in highways.
XII. General duties of commissioners and overseers.
XIII. Miscellaneous provisions.
XIV. Highway taxes and assessments thereof.
XV. Drains.
XVI. Powers and duties of boards of supervisors.
XVII. Toll roads.
XVIII. Highway orders.
XIX. Culverts or cattle-passes and hedges.
XX. State Roads.
XXI. Sidewalks.
XXII. Recovery of damages.
XXIII. Law of the road.
XXIV. Noxious weeds.
XXV. Michigan Motor Vehicle Law.

The laws relating to the establishment, opening, improvement, maintenance and use of highways and private roads, and the building, repairing and preservation of bridges within the State of Michigan were revised, consolidated and enlarged by Public Act No. 283, approved June 2, 1909. The said act contains twenty-four chapters the titles to all of which are given above. While our object is to state in this book only those laws defining the rights and duties of citizens in the use and care of the roads, we have stated some of the provisions relating to the laying out and maintaining of highways. It was not intended that road-building and highway systems should be discussed or treated in this book. That is a broad subject requiring more space and attention than could be given it in this small volume. As above stated, the rights and duties of each citizen in the roads are the principal matters we shall attempt to set forth.

The new "Michigan Motor Vehicle Law" also approved June 2, 1909, is of great importance and we give at the end of this chapter the principal provisions affecting the rights of farmers.

The foregoing laws together with two minor acts, Public Act No. 33, approved April 14, 1909, and Public Act No. 266, approved June 2, 1909, practically embrace all the laws relating to roads in the State of Michigan. We make reference below to all of them.

[From Public Act No. 283 approved June 2, 1909.]

CHAPTER I.

Laying Out, Altering and Discontinuing Highways.

SECTION 1. Public highways shall not be less than four rods in width, except when laid out and established in the manner hereinafter prescribed, and they may be laid out, altered or discontinued under the provisions of this chapter:

First, By the commissioner of highways of any township, within his township, upon the written application of seven or more freeholders of such township;

Second, By the joint action of the commissioners of highways of adjoining townships, on the line between such townships, on the written application of seven or more freeholders of each township, addressed to the commissioner of either township;

Third, By the concurrent action of the commissioner of highways of any township and the municipal authority of any adjoining city or village having, by law, jurisdiction in laying out streets or highways, on the line between such township and such city or village, on the written application of seven or more freeholders of each township, city or village;

Fourth, Commissioners of highways shall also have power to lay out and establish highways on section lines, through uninclosed and unimproved lands, without the application required by the first subdivision of this section.

* * * * *

SEC. 15. No line road which shall have been in use as such for a period of ten years shall be discontinued except upon the unanimous vote of all the officers or authorities present and acting in the premises, approved, in the case of township roads, by the township board, and in case of line roads, by the township boards, or by the township board and city or village council, as the case may be; and no second application shall be entertained within twelve months, or a third application within two years for the discontinuance of any such road, unless twice the number of freeholders shall sign the application as is required in the first instance.

* * * * *

SEC. 20. All highways regularly established in pursuance of existing laws, all roads that shall have been used as such for ten years

or more, whether any record or other proof exists that they were ever established as highways or not, and all roads which have been or which may hereafter be laid out and not recorded, and which shall have been used eight years or more, shall be deemed public highways, subject to be altered or dicontinued according to the provisions of this act. All highways that are or that may become such by time and use, shall be four rods in width, and where they are situated on section or quarter section lines, such lines shall be the center of such roads, and the land belonging to such roads shall be two rods in width on each side of such lines.

* * * * *

SEC. 24. When any damages may be awarded under the provisions of this chapter in consequence of laying out or altering any highway, before such highway shall be opened, the amount of such damages shall be paid or tendered to the person or persons entitled thereto, or an order on the treasurer of the proper township, city or village, for the amount of such damages, shall be delivered or tendered to such person or persons, * * *

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CHAPTER II.

Taxes for Highway Purposes.

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CHAPTER III.

Good Roads District.

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CHAPTER IV.

County Road Law.

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CHAPTER V.

State Reward for Roads.

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CHAPTER VI.

For the Security of Persons and Property on the Highways.

SECTION 1. When any public highway which passes along the bank of any lake, river, or other water course, and which is not included in the limits of a city, or of a platted village, whether incorporated or unincorporated, shall, by the falling or washing away of the bank, or from any other cause become reduced to a width of less than fifty feet, it shall be the duty of the commissioner, acting upon his own knowledge,

or on being notified thereof in writing, by any person of adult age, such notice stating the place or places where such defect exists, to proceed within ten days, and examine the same, and if he finds it to be less than fifty feet wide, he shall forthwith lay out, open and work such highway in and upon the adjacent land to the width of fifty feet; and if such land be inclosed, he shall, within ten days, give notice in writing to the owner or occupant of such land, requiring such owner or occupant within thirty days to remove the fence, hedge or other structure forming the inclosure, back from the bank far enough to admit of such opening and working, and if such owner or occupant shall neglect to remove the same, as required by such notice, it shall be the duty of the commissioner forthwith to remove such fence or other structure, doing the owner or occupant no unnecessary damage in making such removal. In cities and platted villages, whether incorporated or unincorporated, street or public highways reduced in width as aforesaid, shall be restored, repaired, and protected by the municipal corporation having charge of such streets or highways.

SECTION 2. When any such highway is less than fifty feet wide, and more than thirty-five feet wide, the commissioner may, in his discretion, instead of widening the same erect near the edge of the bank, and thereafter maintain in good order a substantial railing or fence, which shall be at least three feet high and sufficiently strong to prevent persons, carriages and animals from falling over such bank.

SECTION 3. When any dwelling house or other building shall stand so near any lake, river or other water course, where a highway, which is not included in the limits of a city, or of a platted village, whether incorporated or unincorporated, intervenes, that there shall not be room for a road at least thirty-five feet wide, then the commissioner shall, within ten days after having knowledge of the fact, give thirty days' notice in writing to the owner or occupant of the land to be taken, and to the owner or occupant of such house or other building, of his intention to open a highway in the rear of such house or other building, and if such house or other building shall, within the said thirty days, be moved back far enough to admit of a road being opened and worked at least thirty-five feet wide in front thereof, then the commissioner shall widen such highway in front of such house or other building; but if such house or other building shall not be so removed, he shall then proceed without further delay to lay out a highway in the rear of such house or other building, not less than fifty feet wide.

SECTION 4. Whenever any commissioner acting under the provisions of this chapter, shall remove or cause to be removed, any fence, hedge, or other structure forming the enclosure, and shall take any land to widen a highway, or shall lay out a highway in the rear of any house or other building, he shall award such damages to the owner of the property taken, and for removing such fence, hedge or other structure forming the enclosure when done by the owner, as to him shall

seem just and reasonable, and shall tender to the person entitled thereto an order on the treasurer of his township for the amount of any damages awarded to such person; * * * .

SECTION 5. It shall be the duty of the commissioner of highways of each township to see that all plank or gravel road companies, or companies owning or controlling any kind of toll road, maintain their roads in a good and safe condition at all times * * *

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CHAPTER VII.

The Obstruction of Highways and Encroachments Thereon.

SECTION 1. In every case where a public highway has been or shall be encroached upon by any fence, building, or other encroachment, the commissioner may make an order under his hand requiring the occupant of the land through or by which such highway runs, and of which such fence, building, or other encroachment forms a part of the enclosure, to remove such encroachment from such highway within thirty days; and he shall cause a copy of such order to be served upon such occupant, and every such order shall specify the width of the road, the greatest extent of the encroachment, and of what it consists, and the place or places in which the same may be, with reasonable certainty; but fences erected for the protection of hedges, or temporary fences for the protection of other improvements, shall not be deemed encroachments, so long as they may be necessary for such protection, unless the road be so fenced up as to make the traveled portion less than eighteen feet wide, provided that such hedges or other improvements be not themselves encroachments.

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CHAPTER VIII.

The Erection, Repairing and Preservation of Bridges.

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CHAPTER IX.

Opening of Private Roads and Temporary Highways.

SECTION 1. Whenever application shall be made to the commissioner of highways of any township for a private road, he shall give notice in writing to the owner or occupant of the land over which the road is proposed to be laid out, to meet on a day and at a place certain, which shall not be more than ten nor less than five days from the time of service of such notice, for the purpose of aiding in the striking of a jury to determine as to the necessity of such road; and if the land over

which it is proposed to lay such road be non-resident and the owner thereof does not reside in the county, such notice shall be served in the same manner as is provided in case of bearing on laying out public roads, and proof of such service or posting shall be made in like manner.

* * *

SEC. 6. Private roads shall not be less than one rod in width, and when laid out as above provided, shall be for the use of the applicant, his heirs and assigns, but not to be converted to any other use or purpose than that of a road; but the owner or occupant of the land through which such road shall be laid out shall not be prevented from making use thereof as a road, if he shall signify his intention of so doing to the jury at the time of laying out such road, and before the appraisal of the damages by them.

SEC. 7. Whenever any resident owner of any timbered land, not less than forty acres, shall wish to have a temporary highway laid out, he may, in writing, make application to the commissioner of highways of the proper township for that purpose, who shall proceed to lay out such temporary highway, in all respects as provided by law in relation to laying out public highways, except as hereinafter provided.

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SEC. 10. In case such highway is only to be used in the winter time such facts shall be set up in the application and also in the finding of the commissioner and township board and this shall be taken into consideration in awarding damages to the owners of the land crossed.

CHAPTER X.

Penalties and Forfeitures.

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SEC. 4. Whoever shall wilfully obstruct the navigation of any river or stream, which is now or may hereafter be declared a public highway, by felling any tree therein or by putting into any such river or stream any refuse lumber, slabs, or other waste materials, or who shall wilfully obstruct any highway, or fill up or place any obstructions in any ditch constructed for draining the water from any highway, or who shall injure any highway by diverting any creek, or by obstructing any water course or sluice, shall forfeit for every such offense a sum not exceeding twenty-five dollars.

SEC. 5. Whoever shall wilfully destroy, remove, injure, or deface any mile-stone, mile-board, guide-post, or guide-board erected on any highway, or shall wilfully injure or deface any inscription or

device placed thereupon, or who shall wilfully injure or deface any watering-trough, basin, or fountain placed upon the highway for the use of the public or for ornament, shall forfeit for each offense the sum of twenty-five dollars.

SEC. 6. Any person who shall wilfully injure, deface, tear, or destroy any tree or shrub planted along the margin of the highway, or purposely left there for shade or ornament, or who shall hitch any horse to any such tree, by means of which the same shall suffer injury, or who shall negligently or carelessly, by any other means, suffer any horse or other beast driven by or for him, or any beast belonging to him and lawfully in the highway, to break down, destroy, or injure any tree or shrub not his own, standing for use or ornament in any highway, shall be liable to an action for damages in a sum not less than one nor more than twenty-five dollars for each offense, to be recovered at the suit and for the benefit of the owner or tenant of the land in front of which such tree or shrub stands, or at the suit of the commissioner in whose township such tree or shrub may be situated, for the benefit of the highway improvement fund of such township.

SEC. 7. Whoever shall injure any bridge maintained at the public charge, or any public road, by drawing logs or timber on the surface of any such road or bridge, or by any such act, shall be liable in damages to three times the amount of the injury, to be recovered in an action of trespass or on the case, by the commissioner of highways of the township within which the injury was done, in his name of office, to be expended by him in the repair of roads in his township.

SEC. 8. If any trees shall fall or be fallen by any person from any occupied land into any highway, any person may give notice to the occupant of the land from which such trees shall have fallen to remove the same in two days, and if such tree shall not be removed within that time, but shall continue in such highway, such occupant shall forfeit the sum of fifty cents for every day thereafter until such tree shall be removed.

SEC. 9. If any person or persons unless duly authorized by the highway commissioner of the township shall put any garbage, rubbish or waste material of any kind into any highway of any township of this State, with the intent to permit the same to remain therein, to the injury in any way of said highway, or to the annoyance of the citizens of this State, or any of them, every person so offending shall be deemed guilty of a misdemeanor, and upon conviction thereof shall forfeit and pay a sum not less than five dollars nor more than ten dollars, together with the costs of prosecution, and in default in the payment thereof shall be imprisoned in the county jail of the county in which such conviction may be had not exceeding ten days, or both such fine and imprisonment in the discretion of the court.

CHAPTER XI.

Shade Trees in Highways.

SECTION 1. Shade trees shall be planted along both sides of the public highways, at the uniform distance, as near as may be, of sixty feet apart, and not less than twenty-three nor more than twenty-five feet from the center line of the highway, but the township board of any township may direct as to the distance which trees may be set from each other or from the outer line of the highway. All trees now growing upon the sides of any highway, and all trees that may be hereafter planted thereon, standing more than sixty feet apart, shall be preserved, and shall not be injured or removed, unless by direction of the commissioner of highways, and with the consent of the owner of the adjoining land, unless such trees shall interfere with or obstruct the travel on the highway: Provided, That the provisions of this chapter in whole or in part shall not be deemed mandatory in townships in which the electors may by vote at a township meeting, thus determine.

SEC. 2. In townships where trees are not planted and growing along the highways as required by section one of this chapter the highway commissioner may cause to be set out each year as many trees as he may deem advisable in his township where the adjoining lands are cleared, but shall not expend to exceed ten per centum of the road repair tax in any one year for such purpose. The commissioner shall particularly attend to the planting of such trees, and shall allow no unsuitable tree nor any tree lacking sufficient roots or vitality to be planted, and he shall have the charge and care of the same: Provided, however, That the cost shall not exceed twenty-five cents for each tree so set out.

SEC. 3. Telegraph companies are authorized to enter upon and construct and maintain lines of telegraph through, along, and upon any of the public roads and highways, or across or under any of the waters within the limits of this State, by the erection of the necessary fixtures, including posts, piers or abutments for sustaining the cords or wires of such lines: Provided, That said telegraph companies before the construction and erection of said lines and poles, shall first obtain the consent of the duly constituted authorities of the city, village or township through or along which said telegraph lines and poles are to be constructed and erected: Provided, further, That the same shall not be so constructed as to incommode the public use of said roads or highways, or injuriously interrupt the navigation of said waters; nor shall this act be so construed as to authorize the construction of any bridge across any of the waters of this State: Provided further, That this act shall not be construed to authorize any such association to injure, deface, tear, cut down, or destroy any tree or shrub planted along the margin of any highway in this State, or purposely left there for shade or ornament.

Said association, instead of running or placing their wires on posts, may if they choose, run or place the same underground, with a suitable or proper covering for the protection of the same.

SEC. 4. Telephone companies shall have power to construct and maintain lines of wire or other material, for use in the transmission of telephonic messages along, over, across, or under any public places, streets and highways, and across or under any of the waters in this State, with all necessary erections and fixtures therefor: Provided, That said telephone companies, before the construction and erection of said telephone lines and poles, shall first obtain the consent of the duly constituted authorities of the city, village or township through or along which said telephone lines and poles are to be constructed and erected: Provided further, That the same shall not injuriously interfere with other public uses of the said places, streets and highways, or injure, deface, tear, cut down, or destroy any tree or shrub planted along the margin of any highway in this State, or purposely left there for shade or ornament nor shall the same interfere with the navigation of said waters, or the running of railway trains * * *

CHAPTER XII.

General Duties of Commissioners and Overseers.

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CHAPTER XIII.

Miscellaneous Provisions.

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CHAPTER XIV.

Highway Taxes and the Assessment Thereof.

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CHAPTER XV.

Drains.

SECTION 1. Drains may be laid along and within the limits of or across any public highway: Provided, That when it is proposed to construct a drain in whole or in part along a public highway, the owners of the land abutting on the side of the highway along which such drain is proposed to be laid, shall be considered as still owning the fee of such land, and it shall be necessary for the county drain commissioner to obtain from them severally a release of their rights to so much of said

highway as is necessary and proposed to be taken for the right of way of said drain, and for all damages on account thereof. In case such release is not executed within the time (a) prescribed in section four of chapter three, such release (b) shall be obtained in the same manner as is provided in this act for obtaining private lands.

Sec. 2. When any drain crosses a highway, the cost of constructing the necessary bridge or culvert shall be charged in the first instance as part of the cost of construction of such drain, after which such bridge or culvert shall be maintained as part of the highway, and such bridge or culvert shall be of material that will render it permanent, and shall be built of sufficient strength to safely carry a ten ton load. When a drain passes along a highway, there shall be constructed at least one bridge or passageway across such drain connecting the highway with each enclosed field and with each farm entrance, which bridge or passageway shall also be charged in the first instance as a part of the construction of such drain, after which such bridge or passageway shall be maintained by the owner of the land.

Sec. 3. Before any drain shall be laid along a public highway, the highway commissioner of the township in which the drain is located shall be consulted and his consent as to the proposed location of the drain shall be obtained in writing, which consent shall stipulate how close to the center line of the highway any excavation required in the construction of such drain may be made.

Sec. 4. The county drain commissioner shall apportion the per centum of the cost of construction of such drain which any township traversed or benefited thereby shall be liable to pay by reason of the benefit to the public health, convenience or welfare, or as the means of improving any highway, and he shall also apportion the per centum of benefits to accrue to any piece or parcel of land by reason of the construction of such drain, over and above the per centum assessed against such township as aforesaid, which per centum of benefits shall be apportioned upon and assessed against the lands benefited according to such assessment of benefits and which apportionments he shall announce at the time and place of letting, as provided in chapter four. Such assessment of per centum for benefits shall thereupon be subject to review and correction, and may be appealed from in the manner hereinafter provided.

Sec. 5. Whenever it is necessary or more convenient for the proper drainage of any highway in this State that the surplus water be taken onto or across the land adjacent thereto, the highway commissioner of the township in which said highway is situated, may secure the right of way and may open such drain or outlet for the water, and for these purposes may use any highway moneys of the township not otherwise appropriated, and such sums as may be voted for that use by the electors of the township. The highway commissioner shall secure the right of

way for any such drain by gift or purchase from the owners of the land to be crossed by such drain; but in case of purchase the purchase price must be approved by the township board before any money be paid thereon. Such right of way shall be acquired by deed duly executed by the owner or owners of the lands sought to be crossed by the said drain, and shall be taken in the name of the township wherein the same is located, and filed in the office of the register of deeds of the county before any highway money shall be expended in opening such drain outside the highway limits.

SEC. 6. The highway commissioner shall report to the electors of the township at their annual meeting the amount of money expended by him during the year for such highway drainage, specifying the amount expended on each drain. He shall also recommend the raising of such sums as he may deem necessary for opening drains from the highway during the coming year, specifying each proposed drain and the probable amount needed for securing the right of way and opening the same. The money voted for this purpose by the electors of the township shall constitute a special highway drain fund, and shall be used for no other purpose. In case any money be left in the fund, after opening the drain for which it was raised, it may be used in opening any other highway drain in the township, or in cleaning out, when necessary, those already opened.

SEC. 7. On the completion by the highway commission of any drain constructed under the provisions of this act, it shall be the duty of said highway commissioner to file in the office of the county drain commissioner a detailed report of the construction of such drain, giving the date of construction, the termini and general course thereof, together with a copy of the deed by which the right of way therefore was secured. Nothing in the provisions of the preceding sections shall be construed as giving to highway commissioners power to lay out and construct drains having any other purpose than the drainage of highways.

SEC. 8. In case the highway commissioner cannot secure the right of way across adjacent lands for the construction of any drain by agreement with the owner or owners of the land through which it will pass, he may make under his name of office an application to the drain commissioner of the county in which the proposed drain is situated, to lay out and establish the said drain. Such application shall conform to the law regulating applications for the construction of drains, and shall require no other signature than his own as highway commissioner. Such application shall have the same force and effect and be subject in other respects to the same laws and regulations that govern other applications for the establishment of drains, and shall confer jurisdiction and authority on the county drain commissioner to lay out and establish such drain under and by virtue and in pursuance of the law governing the location and establishment of other drains.

CHAPTER XVI.

Powers and Duties of Boards of Supervisors.

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CHAPTER XVII.

Toll Roads.

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CHAPTER XVIII.

Highway Orders.

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CHAPTER XIX.

Culverts, or Cattle-Passes and Hedges.

SECTION 1. It shall be lawful for all persons owning land on opposite sides of any public highway to construct culverts or cattle-passes under such highways: Provided, That formal application is made to, and permission obtained from the commissioner of highways of the township in which said land is situated, for such construction: Provided further, That such construction and maintenance shall be wholly at the expense of such applicant, his heirs and assigns.

SECTION 2. Such culverts or cattle-passes, when constructed, shall be of such material and according to such plan as the commissioner of highways shall direct.

SECTION 3. In case any such applicant, heirs or assigns shall fail to keep his culvert or cattle-pass already constructed, or hereafter to be constructed, in good repair, it shall be the duty of such highway commissioner to remove such culvert or cattle-pass from such highway at the expense of such applicant, or owner, heirs or assigns, such expense to be collected by suit in the name of such commissioner of highways in an action of trespass on the case before any justice of the peace of such township.

SECTION 4. A record of such culverts or cattle-passes, and of all proceedings relating thereto, shall be kept in the manner substantially as is provided for the record of private roads.

SECTION 5. It shall be the duty of every owner, occupant or person having charge of lands in this State, to cut or trim, or cause to be cut or trimmed, to a height not exceeding four and one-half feet and a width not to exceed three feet, all hedges or hedge rows along, or on

the public highway, or adjacent thereto, in each and every year, except such hedges as shall have been set out for the protection of fruit trees and nursery stock. Trimmings or brush from such hedge rows shall not be left lying within the limits of the highway, but shall be forthwith removed.

SECTION 6. Any owner, occupant or person having charge of lands who shall fail to comply with the provisions of this act, on conviction before a court of competent jurisdiction, shall be punished by a fine not more than ten dollars, together with the cost of prosecution, and in default of payment of the same shall be imprisoned in the county jail of the county where the land is situated, for a period not exceeding twenty days.

CHAPTER XX.

State Roads.

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CHAPTER XXI.

Sidewalks.

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SECTION 2. Public sidewalks may be established, opened, improved, and maintained within the boundaries, and along the highways, within this State under the provisions of this act; and the townships and unincorporated villages of this State shall possess the authority herein prescribed, for the building, repairing, and preserving the same.

SECTION 3. Public sidewalks shall not be less than four feet in width when constructed of earth, and may be laid out, altered, or discontinued by the commissioner of highways of any township, upon the written application of a majority of the taxpayers abutting such walk.

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SECTION 8. Whoever shall ride or drive upon any sidewalk laid out according to the provisions of this act, except for the purpose of crossing the same, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding five dollars and the costs of prosecution, or by imprisonment in the county jail of the county not exceeding ten days, or by both such fine and imprisonment, in the descretion of the court.

SECTION 9. It shall be unlawful for any person, wilfully, to drive any cattle, horses, sheep, swine or other animals, or to ride or drive any vehicle other than bicycles or tricycles, upon and along the sidepaths and sidewalks, whether constructed by private persons or public authority for the use of pedestrians and bicycles, in the public highways

and roads of this State, outside of incorporated cities and villages: Provided, That such paths and sidewalks to be protected by the provisions of this act shall be on only one side of any roadway and in some manner separated and distinguished from the main traveled part of the highway: Provided further, That the location of such path or paths shall first have been determined by the commissioner of highways or the county road commissioner, such determination to be filed in the office of the township clerk or the clerk of the county, as the case may be: Provided further, That persons feeling themselves aggrieved at the decision of said highway commissioner shall have the right to appeal from his decision to the township board in the same manner as now provided by law in laying out and constructing highways.

SECTION 10. It shall be unlawful for any person, wilfully to injure or destroy, or render impassable or dangerous for pedestrians or persons riding bicycles, any side-path or walk as described in section nine of this chapter.

SEC. 11. It shall be unlawful for any person wilfully to place upon the surface of any such public street or highway in this State, or upon any sidewalk or path appurtenant thereto, any glass, metal, stones, earthenware or other substance of a nature likely to cause injury to travelers, pedestrians, carriages, bicycles or other vehicles used on said road, or which are of a nature likely to wound, disable or injure any horse or other animal, or to cut, injure or puncture any pneumatic tire: Provided, Nothing contained in this section shall be so construed as to prohibit the public authorities from using any usual or proper means in the improvement of roads and highways.

SEC. 12. Whenever any such side-path or walk is constructed less than twelve feet from the center of the highway, it shall be considered as part of such highway. No side-path or walk within the meaning of this act shall exceed five feet in width. Nothing in this act shall be construed to prevent any person from driving across said paths or walks for the purpose of entering private property.

SEC. 13. Any person found guilty of a violation of this act shall be deemed guilty of a misdemeanor and punished by a fine of not less than one dollar, nor more than ten dollars for each offense, together with costs of prosecution, or imprisonment in the county jail not exceeding ten days, or by both such fine and imprisonment in the discretion of the court; and shall further be liable in an action to any person who shall suffer injury to his person or property by reason of such violation of the provisions of this act.

CHAPTER XXII.

Recovery of Damages.

SECTION 1. Any person or persons sustaining bodily injury upon any of the public highways or streets in this State, by reason of neglect

to keep such public highways or streets, and all bridges, sidewalks, crosswalks and culverts on the same in reasonable repair, and in condition reasonably safe and fit for travel by the township, village, city or corporation whose corporate authority extends over such public highway, street, bridge, sidewalk, crosswalk or culvert, and whose duty it is to keep the same in reasonable repair, such township, village, city or corporation shall be liable to and shall pay to the person or persons so injured or disabled just damages, to be recovered in an action of trespass on the case before any court of competent jurisdiction.

SEC. 2. If any horse or other animal, or any cart, carriage or vehicle, or other property, shall receive any injury or damage by reason of neglect by any township, village, city or corporation to keep in repair any public highway, street, bridge, sidewalk, cross-walk or culvert, the township, village, city or corporation whose duty it is to keep such public highway, street, bridge, sidewalk, cross-walk or culvert in repair shall be liable to and shall pay the owner thereof just damages, which may be recovered in an action of trespass on the case before any court of competent jurisdiction: Provided, That in all actions brought under this act it must be shown that such township, village or city has had reasonable time and opportunity after knowledge by or notice to such township, village or city that such highways, streets, bridges, sidewalks, cross-walks, or culverts has become unsafe, or unfit for travel, to put the same in the proper condition for use, and has not used reasonable diligence therein after such knowledge or notice.

SEC. 3. It is hereby made the duty of townships, villages, cities, or corporations to keep in reasonable repair, so that they shall be reasonably safe and convenient for public travel, all public highways, streets, bridges, sidewalks, cross-walks, and culverts that are within their jurisdiction, and under their care and control, and which are open to public travel, and when the means now provided by law are not sufficient, or when the electors shall not have provided sufficient funds by vote at the annual meeting to enable any township, village or city to keep its public highways, streets, bridges, sidewalks, cross-walks and culverts in reasonable repair and in a condition reasonably safe and fit for public travel such township, village or city is hereby authorized to levy such additional sum upon the taxable property of such township, village or city, not exceeding five mills on the dollar, in any one year, as will enable such township, village or city to keep its public highways, streets, bridges, sidewalks, cross-walks, and culverts in good repair at all times. Highway commissioners, together with the township board, and all other officers having special charge of highways, streets, bridges, sidewalks, cross-walks, and culverts, and the care or repairing thereof, are hereby made and declared to be the officers of the township, village, city, or corporation wherein they are elected or appointed, and shall be subject to the general direction of such township, village, city or corporate authorities in the discharge of their several duties.

SEC. 4. The provisions of this act shall not apply to public highways which have not been in use ten years: but nothing in this section shall be construed as exempting townships, villages and cities from maintaining their streets, bridges, sidewalks, cross-walks and culverts, and the approaches to bridges in a safe condition for public travel.

SEC. 5. No township, village, or city in this State shall be liable in damages, or otherwise, to any person or persons for bodily injury, or for injury to any property sustained upon any of the public highways, streets, bridges, sidewalks, cross-walks or culverts, in such townships, villages or cities, except under and according to the provisions of this act, and the common law liability of townships, villages and cities of this State, for or on account of bodily injuries sustained by any person by reason of neglect to keep in repair public highways, streets, bridges, sidewalks, cross-walks or culverts, is hereby abrogated.

CHAPTER XXIII.

Law of the Road.

SECTION 1. Whenever any persons shall meet each other on any bridge or road, traveling with carriages, wagons, carts, sleds, sleighs, or other vehicles, each person shall reasonably drive his carriage or other vehicle to the right of the middle of the traveled part of such bridge or road, so that the respective carriages, or other vehicles aforesaid, may pass each other without interference.

SEC. 2. Every person offending against the provisions of the preceding section, shall, for each offense, forfeit a sum not exceeding twenty dollars, and shall also be liable to the party injured for all damages sustained by reason of such offense: Provided, That proceedings shall be commenced for the recovery of such forfeiture within three months after the offense shall have been committed, and any action for such damages shall be commenced within one year after the cause of action shall have accrued.

SEC. 3. No person owning, or having the direction or control of any coach, or other carriage or vehicle running or traveling upon any road in this State, for the conveyance of passengers, shall employ, or continue in employment, any person to drive such coach, carriage, or other vehicle, who is addicted to the use of intoxicating liquors; and if any such person shall violate the provisions of this section, he shall forfeit at the rate of five dollars per day for all the time during which he shall have kept such driver in such employment.

SEC. 4. If any driver, while actually employed in driving such coach, carriage, or vehicle, shall be guilty of intoxication, it shall be the duty of the owner or person having charge or control of such coach, carriage, or other vehicle, on receiving written notice of the fact, signed by any passenger who witnessed the same, and certified by him under oath, forthwith to discharge such driver from such employ-

ment; and every person who shall retain, or have in such service within six months after the receipt of such notice, any driver who shall have been so intoxicated, shall forfeit at the rate of five dollars per day for all the time during which he shall keep any such driver in such employment after receiving such notice.

SEC. 5. No person driving any carriage or vehicle for the conveyance of passengers for hire upon any road or highway in this State, with or without passengers therein, shall run his horses, or cause or permit them to run, upon any occasion, or for any purpose whatever; and every person who shall offend against the provisions of this section shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine not exceeding one hundred dollars, or by imprisonment in the county jail not exceeding thirty days, or both, at the discretion of the court.

SEC. 6. It shall not be lawful for the driver of any carriage used for the conveyance of passengers for hire, to leave the horses attached thereto, while any passenger remains in or upon the same, without making such horses fast with a sufficient halter, rope or chain, or without some suitable person to take the charge and guidance of them, so as to prevent their running, and if any driver shall violate the provisions of this section, he shall forfeit a sum not exceeding twenty dollars; but no prosecution shall be commenced therefor after the expiration of three months from the time of committing the offense.

SEC. 7. The owners of every carriage running or traveling upon any turnpike, road or public highway, for the conveyance of passengers for hire, shall be liable jointly and severally, to the party injured, in all cases, for all injuries and damages done by any person in the employment of such owners as a driver, while driving such carriage, to any person, or to the property of any person, whether the act occasioning such injury or damage be wilful, negligent or otherwise, in the same manner as such driver would be liable.

CHAPTER XXIV.

Noxious Weeds.

SECTION 1. It shall be the duty of the highway commissioner and the overseer of highways in each road district to see that the provisions of this act are carried out within the limits of his road district. Any highway commissioner or overseer who shall refuse or neglect to perform the duties required by this act shall be deemed guilty of a misdemeanor and upon conviction thereof in a court of competent jurisdiction shall be punished by a fine of not less than ten dollars nor more than twenty-five dollars, together with the costs of prosecution, or by imprisonment in the county jail for a period not exceeding thirty days, or by both such fine and imprisonment in the discretion of the court.

SEC. 2. It shall be the duty of the overseer and commissioner of highways to cut or cause to be cut, prior to the first day of July in each year, all brush within the limits of any highway passing by or through such lands: Provided, however, That this section shall in no wise apply to young trees which have been set out or preserved by abutting property owners for shade or other purposes.

SEC. 3. It shall be the duty of every owner, possessor or occupier of land or of every person or persons, firm or corporation having charge of any lands in this State to cut or cause to be cut down and destroyed all Canada thistles, milkweed (asclepias cornutus), wild carrots, oxeye daisies, or other noxious weeds growing thereon, or on any highway passing by or through such land, at least twice in each year, once before the first day of July and again before the first day of September, and as much oftener as may be necessary to prevent them going to seed, and if any owner, possessor or occupier of land, or any person or persons, firm or corporation having charge of any lands in this State, shall, knowingly, suffer any Canada thistles, milkweed, wild carrots, or other noxious weeds to grow thereon, or on any highway passing by or through such land, or shall suffer the seed to ripen, so as to cause or endanger the spread thereof, he or they shall, on conviction in any court of competent jurisdiction be liable to a fine of ten dollars, together with costs of prosecution, for every such offense and he or they shall pay the cost of cutting and destroying such weeds and an additional ten per centum as hereinafter provided.

SEC. 4. It shall be the duty of the commissioner of highways in each road district to give general notice in the following manner to every owner, possessor or occupier of land and to every person or persons, firm or corporation having charge of any lands in this State, whereon noxious weeds are growing, or by or through which land a highway passes, to cut and destroy such noxious weeds: Four notices, each not less than two feet square shall be printed in clear readable type and posted one in each of four conspicuous places in the road district, and notices shall also be published in some local paper having a general circulation in the township. These notices shall set forth the fact that all noxious weeds must be cut on or before a certain date, which date shall be fixed by the commissioner. The posting and publishing of such notices shall take place at least ten days prior to the date upon which the weeds must be cut, * * * .

SEC. 5. In case the owner, possessor or occupier of land or the person or persons, firm or corporation having charge of any land shall refuse or neglect to comply with such notice and to cut the weeds or brush on or before the date stated in such notice or within ten days thereafter, it shall be tre duty of the highway commissioner and overseer of highways, or some one whom said overseer may employ to assist in carrying on the work, to enter upon the land and to cause all such noxious weeds

to be cut down with as little damage to growing crops as may be, and he shall not be liable to be sued in any action of trespass therefor.

SEC. 8. It shall be the duty of the highway commissioner and overseer of highways to cut all noxious weeds on State lands, school land and so forth and all brush and noxious weeds on highways passing by or through the same and the cost of same shall be allowed by the township board and paid by the township treasurer of the township in which such land is located.

SEC. 9. All railroad corporations or gravel or plank road companies doing business in this State shall, each year, between the fifteenth day of June and the first day of July, and again between the tenth day of August and the first day of September, and at any time during the year so often as shall be sufficient to prevent Canada thistles, milkweed, wild carrots, ox-eye daisies, or other noxious weeds going to seed, cause all Canada thistles, milkweed, wild carrots or other noxious weeds growing upon lands occupied by them in any city, village or organized township in this State to be cut down or destroyed. In case any railroad company or gravel or plank road company shall refuse or neglect to comply with the requirements specified in the second section of this chapter, then it shall be lawful for said overseer of highways to cut and destroy said Canada thistles, milkweed, wild carrots or other noxious weeds between the first day and fifth day of July, inclusive and between the first and fifth days of September ,inclusive, in each year or so often as shall be sufficient to prevent said Canada thistles, milkweed, wild carrots, or other noxious weed going to seed to endanger the spread thereof, at the expense of the corporation on whose lands said Canada thistles, milkweed, wild carrots, or other noxious weeds shall be so cut, at the rate of three dollars per day for the time necessarily occupied in cutting and destroying, to be recovered in any court of competent jurisdiction in this State.

SEC. 10. It shall be the duty of the prosecuting attorney of the county to prosecute all violations of the provisions of this act which shall come to his knowledge.

Poles, Wires, Pipes, Conduits and Railway Tracks in Highway; Township Board May Grant Right to Place.

SECTION 1. The township board of any township may grant to any person, partnership, association or corporation the right to use the highways, streets, alleys, and other public places of the township to set poles, string wires, lay pipes or conduits or to lay tracks for railways and to operate and maintain the same and the right to transact a local business in such township, subject to such reasonable regulations as said board shall prescribe from time to time. [Public Act No. 226, approved June 2, 1909.]

XXV. Michigan Motor Vehicle Law.

[From Public Act No. 318 approved June 2, 1909. This law will go into effect January 1, 1910.]

SECTION 1. **Definitions.**—The term "motor vehicle" as used in this act, except where otherwise expressly provided, shall include all vehicles propelled by any power other than muscular power, except motor cycles operated by policemen or firemen on official business, traction engines, road rollers, fire wagons, fire engines, police patrol wagons, ambulances and such vehicles as run only upon rails and tracks. The term "chauffeur" shall mean any person operating a motor vehicle for hire, or as the employe of the owner thereof. The term "state" as used in this act, except where otherwise expressly provided, shall also include the territories and the federal districts of the United States. The term "owner" shall also include any person, firm, association or corporation renting a motor vehicle or having the exclusive use thereof, under a lease or otherwise, for a period greater than thirty days. The term "public highway" shall include any highway, county road, state road, public street, avenue, alley, park, parkway or public place in any county, city, town or village, except any speedway which may have been or may be expressly set apart by law for the exclusive use of horses and light carriages.

NOTE: Sections 2, 3, 4 and 5 provide that all motor vehicles shall be registered and numbered by the Secretary of State. The necessary blanks with all instructions can be obtained from that officer. We therefore omit these four sections and pass immediately to that part of the law which regulates the use of the highway by motor vehicles.

SEC. 6. Subdivision 1. **Brakes, horns, lamps, et cetera.**—Every motor vehicle, operated and driven upon the public highways of this state, shall be provided with adequate brakes sufficient to control the vehicle at all times, and a suitable and adequate bell, horn or other device for signalling, and shall, during the period from one hour after sunset to one hour before sunrise, display at least two lighted lamps on the front and one on the rear of such vehicle, which shall also display a red light visible from the rear. The white rays of such rear lamp shall shine upon the number plate carried on the rear of such vehicle. The light of the front lamps shall be visible at least two hundred feet in the direction in which the motor vehicle is proceeding: Provided, That motor bicycles or motor cycles shall be required to display but one lighted lamp, such lamp to be placed on the front of the vehicle so that it shall be visible one hundred feet in the direction in which the motor vehicle is proceeding. There shall be displayed on the face of such lamp the registration number in figures not less than one inch in height, and placed thereon in such manner so that when the lamp is lighted the number may be read at a distance of at least fifty feet.

Sub. 2. **Use of non-skidding devices.**—No person shall operate or drive on the public highways of this state a motor vehicle on any of whose wheels is a tire chain or non-skidding contrivance or tire composed in whole or in part of metal, except when such highways are wet and slippery or covered with ice or snow.

Sub. 3. **Stopping on signal.**—A person operating a motor vehicle shall, at the request or on signal by putting up the hand, from a person riding, leading or driving a horse or horses or other draft animals, bring such motor vehicle immediately to a stop, and, if traveling in the opposite direction, remain stationary so long as may be reasonable to allow such horse or animal to pass, and if traveling in the same direction, use reasonable caution in thereafter passing such horse or animal: Provided, That in case such horse or animal appear badly frightened or the person operating such motor vehicle be requested so to do, such person shall cause the motor of such vehicle to cease running so long as shall be reasonably necessary to prevent accident and insure the safety of others.

Sub. 4. Whenever a person operating a motor vehicle shall meet on a highway any other person riding or driving a horse or horses or other draft animals or any other vehicle, and there being no occasion to stop as above provided, the person operating such motor vehicle shall seasonably turn the same to the right of the center of the traveled portion of the highway, while the person approaching shall likewise turn from the center of the traveled portion of the highway so as to pass the motor vehicle on the opposite side of the center of the highway to which the motor vehicle has been turned. And any person so operating any motor vehicle shall, at the intersection of a public highway, keep to the right of the intersection of the centers of such highways when turning to the right and pass to the right of such intersection when turning to the left.

Sub. 5. If a vehicle drawn by a horse or horses or other draft animals, or a motor vehicle, be overtaken by any motor vehicle, and the person in charge of such motor vehicle expresses a desire to pass, it shall be the duty of the driver of any such vehicle or motor vehicle so overtaken as aforesaid, to turn to the right of the center of the wrought or traveled portion of the highway, and give the person so making the request an opportunity to pass, but in passing, the person in charge of such motor vehicle and the other male occupants thereof over the age of fifteen years shall give such assistance as they are able to the occupant or occupants of the vehicle they are passing, if assistance is asked, and in thus passing the chauffeur shall use all due care to avoid accidents.

Sub. 6. **Accidents.**—In case of accident to person or property upon any public highway, due to the operation thereon of any motor vehicle, the person operating such motor vehicle shall stop and give such reasonable assistance as can be given, and shall, upon request of

the person injured or any other person, give such person his name and address, and if not the owner, the name and address of the owner of such motor vehicle, together with the registered number thereof.

SEC. 7. Subdivision 1. **Rate of speed.**—No person shall operate a motor vehicle upon a public highway at a rate of speed greater than is reasonable and proper, having regard to the traffic and use of the highway, or so as to endanger the life or limb of any person or the safety of any property; and shall not in any event while upon any highway run at a higher rate of speed than twenty-five miles an hour, and within the corporate limits of all cities and villages the rate of speed shall not be greater than ten miles an hour in the business portion of any such city or village, and not greater than fifteen miles an hour in all other portions thereof, subject, however, to the other provisions of this act. Upon approaching an intersecting highway, a bridge, dam, sharp curve or steep descent, and also in traversing such intersecting highway, bridge, dam, curve or descent, a person operating a motor vehicle shall have it under control and operate it at such speed as is reasonable and proper having regard to the traffic then on such highway and the safety of the public.

Sub. 2. Upon approaching a person walking in the roadway of a public highway, or a horse or horses, or other draft animals, being ridden, led or driven thereon, a person operating a motor vehicle shall slow down to a speed not exceeding ten miles an hour and give reasonable warning of its approach, and use every reasonable precaution to insure the safety of such person or animal, and in case of a horse or horses or other draft animals, to prevent frightening the same.

NOTE: Sections 8 and 9 state the provisions relating to the registration of chauffeurs.

SEC. 10. Subdivision 1. **Penalties.**—Any person violating any of the provisions of this act and who shall be convicted thereof, or who shall plead guilty to any complaint for the violation thereof, shall be punished by a fine not exceeding twenty-five dollars and costs of prosecution; or if such fine be not paid then by imprisonment in the county jail for not exceeding ten days; for the second offense he shall be punished by a fine not exceeding fifty dollars and costs of prosecution; or if such fine be not paid then by imprisonment in the county jail for not exceeding thirty days; and for a third, or any subsequent offense, he shall be punished by a fine not exceeding one hundred dollars and costs of prosecution or by imprisonment in the county jail or the Detroit house of correction for a period not exceeding thirty days, or by both such fine and imprisonment.

Sub. 2. **Civil actions.**—Nothing in this act shall be construed to curtail or abridge the right of any person to prosecute a civil action for damages by reason of injuries to person or property resulting from the negligence of the owner or operator or his agent, employe or servant, of any such motor vehicle, or resulting from the negligent use of the highway by them or any of them.

Sub. 3. **Liability of owners.**—The owner of a motor vehicle shall be liable for any injury occasioned by the negligent operation by any person of such motor vehicle, whether such negligence consists in violations of the provision of a statute of this state or in the failure to observe such ordinary care in such operation as the rules of the common law require; but such owner shall not be so liable in case such motor vehicle shall have been stolen.

SEC. 11. All police justices of any city, or justices of the peace of the county where any such violation shall occur, shall have jurisdiction to hear, try and pass sentence for any and all violations of any of the provisions of this act.

NOTE: Sections 12, 13, 14 and 15 relate to prosecutions, etc.

SEC. 16. All licenses issued during the year nineteen hundred nine, under the provisions of act number one hundred ninety-six of the Public Acts of nineteen hundred five, as amended by act number three hundred four of the Public Acts of nineteen hundred seven, shall expire on January first, nineteen hundred ten.

SEC. 17. **Acts repealed.**—Act number one hundred ninety-six of the Public Acts of nineteen hundred five, as amended by act number three hundred four of the Public Acts of nineteen hundred seven, and all acts or parts of acts inconsistent herewith or contrary hereto, are hereby expressly repealed.

SEC. 18. **Title of act and when it takes effect.**—This act shall be known as the "Michigan Motor Vehicle Law." and shall take effect the first day of January, nineteen hundred ten: Provided, That applications for registration may be made and registration certificates and badges issued at any time within sixty days prior to such date.

Taking and Using Automobile, Etc., Without Permission; Penalty.

[Public Act No. 83 approved April 14, 1909.]

SECTION 1. Every person who takes or uses without authority an automobile or other motor vehicle without intent to steal the same, or who shall be a party to such unauthorized taking or using, shall upon conviction thereof be punished by imprisonment in the state prison for not more than two years or by a fine of not more than five hundred dollars: Provided, That in case of first offense the court may in its discretion reduce the punishment to imprisonment in the county jail for a term of not more than three months or a fine of not more than one hundred dollars: Provided further, That the provisions of this act shall be construed to apply to any person or persons employed by the owner of said automobile or other motor vehicle or any one else, who, by the nature of his employment, shall have the charge of, or the authority to drive said automobile or other motor vehicle if said automobile or other motor vehicle is driven or used without the owner's knowledge or consent.

CHAPTER 25.

Sunday and Its Observance.

Shops, etc., not to be kept open on first day of week, etc.: No person shall keep open his shop, warehouse, or workhouse, or shall do any manner of labor, business, or work, or be present at any dancing, or at any public diversion, show, or entertainment, or take part in any sport, game, or play on the first day of the week. The foregoing provisions shall not apply to works of necessity and charity, nor to the making of mutual promises of marriage, nor to the solemnization of marriages. And every person so offending shall be punished by fine not exceeding ten dollars for each offence. [5912.]

NOTE — In passing upon the force and effect of the foregoing statute the Supreme Court of Michigan has held that contracts made on Sunday are void, and that such a contract being utterly void cannot be ratified on a week day, and either party may, on a subsequent day, tender back what he has received and reclaim his property; and that a contract can not be rescinded on Sunday, since that is as much a matter of business as the making of it; likewise a promissory note made on Sunday is void, but a note, having been made on Sunday and dated on a week day will be enforced in the hands of an innocent purchaser. A deed made on a week day and, by mistake, dated on Sunday was held good. Traveling on Sunday for any lawful purpose is upheld; likewise all works of charity including subscriptions taken on Sunday for church purposes.

Keepers of public houses not to entertain, except travelers, etc., on first day of week: No tavern keeper, retailer of spirituous liquors or other person keeping a house of public entertainment, shall entertain any persons, not being travelers, strangers or lodgers in his house, on the said first day of the week, or shall suffer any such persons on said day to abide or remain in his house, or in the buildings, yards, or orchards or fields appertaining to the same, drinking, or spending their time idly, or at play, or in doing any secular business. [5913.]

Penalty for violations: Every person offending against any of the provisions of the last preceding section, shall be punished by a fine not exceeding five dollars for each person so entertained, or suffered so to abide or remain; and upon any conviction after the first, such offender shall be punished by a fine not exceeding ten dollars; and if convicted three times, he shall be afterwards incapable of holding a license; and every person so abiding or drinking shall be punished by a fine not exceeding five dollars. [5914.]

Public diversions, etc.: No person shall be present at any game, sport, play, or public diversion, or resort to any public assembly, excepting meetings for religious worship or moral instruction, or concerts of sacred music, upon the evening of the said first day of the week;

and every person so offending shall be punished by a fine not exceeding five dollars for each offence. [5915.]

Between what hours civil proceedings not to be executed: No person shall serve or execute any civil process from midnight preceding, to midnight following the said first day of the week; but such service shall be void, and the person serving or executing such process, shall be liable in damages to the party aggrieved, in like manner as if he had not had any such process. [5916.]

Disturbance of religious meetings: If any person shall, on the said first day of the week, by rude and indecent behavior, or in any other way, intentionally interrupt or disturb any assembly of people met for the purpose of worshiping God, he shall be punished by a fine not less than two, nor more than fifty dollars, or by imprisonment in the county jail not exceeding thirty days. [5917.]

Persons observing seventh day of week, not liable, etc.: No person who conscientiously believes that the seventh day of the week ought to be observed as the sabbath, and actually refrains from secular business and labor on that day, shall be liable to the penalties provided in this chapter, for performing secular business or labor on the said first day of the week, provided he disturb no other person. [5918.]

Time included in first day of the week: For the purposes of the provisions of this chapter, the said first day of the week shall be understood to include all the time between the midnight preceding and the midnight following the said day; and no prosecution for any fine or penalty incurred under any of the preceding provisions of this chapter, shall be commenced after the expiration of three months from the time when the offence shall have been committed. [5919.]

When shops to be closed; exceptions: It shall be unlawful for any person or persons to carry on or engage in the art or calling of hair cutting, shaving, hair dressing and shampooing, or in any work pertaining to the trade or business of a barber, on the first day of the week, commonly called Sunday, except such person or persons shall be employed to exercise such art or calling in relation to a deceased person on said day. [5920.]

Same subject: That it shall be unlawful for any such person or persons to keep open their shops or places of business aforesaid, on said first day of the week commonly called Sunday, for any of the purposes mentioned in section one of this act: Provided, however, That nothing in this act shall apply to persons who conscientiously believe the seventh day of the week should be observed as the sabbath and who actually refrain from secular business on that day. [5921.]

Penalty: Every person offending against the provisions of this act, shall, upon conviction thereof, be punished by a fine not less than ten dollars nor more than twenty-five dollars for each offense or by imprisonment in the county jail for not more than thirty days, or by both such fine and imprisonment in the discretion of the court. [5922.]

CHAPTER 26.

Taxation.

I. Property subject to taxation.
II. Taxation of real property.
III. What real property exempt from taxation.
IV. Taxation of personal property.
V. What personal property exempt from taxation.
VI. Assessment of property for taxation.
VII. Taxes a lien.
VIII. Collection of taxes.
IX. Payment of taxes; manner; rights of lien holder; of tenant; evidence.

I. Property Subject to Taxation.

Property subject to taxation: All property, real and personal, within the jurisdiction of this state, not expressly exempted, shall be subject to taxation. [3824.]

II. Taxation of Real Property.

Real property defined: For the purpose of taxation, real property shall include all lands within the state, and all buildings and fixtures thereon, and appurtenances thereto, except such as are expressly exempted by law. [3835.]

Where real property shall be assessed: Real property shall be assessed in the township or place where situated, to the owner if known, and also to the occupant, if any; if the owner be not known, and there be an occupant, then to such occupant, and either or both shall be liable for the taxes on said property, and if there be no owner or occupant known, then as unknown. A trustee, guardian, executor, administrator, assignee or agent, having control or possession of real property, may be treated as the owner. The real property which belonged to a person deceased, not being in control of an executor or administrator, may be assessed to his heirs or devisees jointly, without naming them, until they shall have given notice of their respective names to the supervisor, and of the division of the estate.

Taxation of homestead and part paid state lands: All licensed homestead lands, the fee of which is in the state, when the licensee is entitled to make final proof to obtain a patent for the same, shall be assessed and treated as real property. The interest in land of any person holding part-paid certificates for the purchase of any state lands shall be assessed separate from other property. The assessment shall describe the land and shall state therein that the title is in the state. The taxes, if not paid to the township treasurer, shall be returned and collected as hereinafter provided. [3827.]

Corporation realty; how assessed: The real property of a corporation shall be assessed to the name of the corporation as to an individual, if known, in the township or place where situated, or it may be

assessed to the occupant or to any authorized agent if so requested of the supervisor. [3828.]

Undivided interests; how assessed: Undivided interests in lands owned by tenants in common, not being co-partners, may be assessed to the owners thereof, if so requested, and in the discretion of the supervisor. [3829.]

III. What Real Property Exempt From Taxation.

Exemption of real property from taxation: The following real property shall be exempt from taxation:

1. All public property belonging to the United States;

2. All public property belonging to the state of Michigan, except licensed homstead lands, part paid lands held under certificates, and lands purchased at tax sales, and still held by the state;

3. Lands owned by any county, township, city, village or school district and buildings thereon, used for public purposes;

4. Such real estate as shall be owned and occupied by library, benevolent, charitable, educational and scientific institutions incorporated under the laws of this state, with the buildings and other property thereon, while occupied by them solely for the purposes for which they were incorporated: Provided, That such exemption shall not apply to fraternal or secret societies, but all charitable homes of such societies shall be exempt;

5. All houses of public worship, with the land on which they stand, the furniture therein and all rights in the pews, and also any parsonage owned by any religious society of this state and occupied as such;

6. All lands used exclusively as burying grounds, and the rights of burial therein, and the tombs and monuments therein, while reserved and in use for that purpose: Provided, That the stock of any corporation owning such burial grounds shall not be exempt;

7. The real and personal property of persons who, in the opinion of the supervisor and board of review, by reason of poverty, are unable to contribute toward the public charges;

8. The real property of corporations exempt under the laws of this state, by reason of paying specific taxes in lieu of all other taxes for the support of the state: Provided, The track, right of way, depot grounds and buildings, machine shops, rolling stock, and all other property necessarily used in operating any railroad in this state belonging to any railroad company, shall henceforth remain exempt from taxation for any purpose, except that the same shall be subject to special assessments for local improvements in cities and villages, and all lands owned or claimed by any such railroad company not adjoining the track of such company, shall be subject to all taxes;

9. Property owned exclusively by the state agricultural society, or any county or district agricultural society, and used by any such society exclusively for fair purposes;

10. All land dedicated to the public and actually used as a park, and any monument ground or any armory belonging to any military organization, and not used for gain or any other purposes.

11. All real estate used as a homestead not exceeding in value one thousand two hundred dollars of any soldier or sailor of the federal government who served three months or more during the civil war, and in all real estate used as a homestead not exceeding in value one thousand two hundred dollars of any widow of such soldier or sailor * * * [3830 as amended by Public Act No. 309, approved June 2, 1909.]

IV. Taxation of Personal Property.

Personal property defined: For the purposes of taxation, personal property shall include:

1. All moneys;
2. All annuities and royalties;
3. All goods, chattels and effects within the state;
4. All ships, boats and vessels and their appurtenances belonging to inhabitants of this state, whether at home or abroad;
5. All goods, chattels and effects belonging to inhabitants of this state, situate without this state, except that property actually and permanently invested in business in another state shall not be included;
6. All credits of every kind belonging to inhabitants of this state, over and above the amounts respectively owned by them whether such indebtedeness is due from individuals or from corporations, public or private, and whether such debtors reside within or without the state;
7. All shares in corporations organized under the laws of this state, when the property of such corporations is not exempt, or is not taxable to itself; or when the personal property is not taxed;
8. All shares in banks organized within this state, under the laws of this state or of the United States, at their cash value, after deducting the assessed value of real property owned by and assessed to such banks;
9. All shares in foreign corporations, except national banks, owned by citizens of this state;
10. All interests owned by individuals in lands, the fee of which is in this state or the United States, except as herein otherwise provided;
11. All buildings and improvements situate upon leased lands, except where the value of the real property is also assessed to the lessee or owner of such buildings and improvements;
12. Tombs or vaults built within any burial grounds, and kept for hire or rent, in whole or in part, and the stock of any corporation or association owning any such tombs, vaults or burial grounds;
13. All other personal property not herein enumerated, and not especially exempted by law;
14. All nursery stock and trees while growing on any land or in preparation for replanting or in transit;

15. All produce, seeds and grain on hand, stored in warehouse or mill, and in transit, owned within this state;

16. The personal property of all gas and coke companies, natural gas companies, electric light companies, water-works companies and hydraulic companies, to be assessed in the township, village or city where the principal works are located. The mains, pipes and wires of such companies laid in or along roads, lanes, streets or alleys shall be assessed as personal property in the township, village, or city where the same are laid or placed. The personal property of street railroad, plank road, cable or electric railroad or transportation companies, bridge companies, and all other companies not required to pay a specific tax to the state in lieu of all other taxes, shall be assessed in the township, village or city where its principal business office is situated, and the track, road or bridge of any such company shall be held to be personal property and may be assessed in the township, village, or city where the same is located, used or laid. [3831.]

V. What Personal Property Exempt from Taxation.

Exemption of personal property from taxation: The following personal property shall be exempted from taxation, to-wit:

First, The personal property of benevolent, charitable, educational and scientific institutions, incorporated under the laws of this state: Provided, That such exemptions shall not apply to secret or fraternal societies, but the personal property of all charitable homes of such societies shall be exempt;

Second, Of all library associations, circulating libraries, libraries of reference, and reading rooms owned or supported by the public, and not used for gain;

Third, Of all posts of the grand army of the republic, sons of veterans, unions, and of the women's relief corps connected therewith, of all young men's christian associations, and of women's christian temperance union associations, young people's christian unions, and other similar associations;

Fourth, Pensions receivable from the United States;

Fifth, So much of the debts due or to become due as shall equal the amount of bona fide and unconditional debts by the person owing;

Sixth, The property of Indians who are not citizens;

Seventh, The library, family pictures, school books, one sewing machine used and owned by each individual or family, and wearing apparel of every individual;

Eighth, Household furniture, provisions and fuel to the value of five hundred dollars to each household: Provided No person paying board shall be deemed a householder;

Ninth, The working tools of any mechanic not to exceed in value the sum of one hundred dollars;

Tenth, Of all fire engines and other implements used in extinguishing fires, owned or used by any organized or independent fire company;

Eleventh, All mules, horses and cattle not over one year old, all sheep and swine not over six months old, and all domesticated birds;

Twelfth, Personal property owned and used by any householder, in connection with his business of the value of two hundred dollars. [2837.]

VI: Assessment of Property for Taxation.

Annual assessment: An assessment of all the property in the state, liable to taxation, shall be made annually in the several townships, villages and cities thereof by the supervisors of the several townships and wards, or in villages and cities where provision is made in the acts of incorporation or charter for some other assessing officer, then by such assessing officer as hereinafter provided. [3833.]

Property of corporation: All corporate property, except where some other provision is made by law, shall be assessed to the corporation as to a natural person in the name of the corporation. The place where its office is located in its articles of incorporation shall be deemed its residence: Provided, Its business is actually transacted at such office; but if it shall establish its principal office in any other place than the place named in its articles of incorporation, then the place where it transacts its principal business shall be deemed its residence for all the purposes of this act. If there be no principal office in this state, then at the place in this state where such corporation or agent transacts business: Provided further, That all the personal property of all corporations heretofore or hereafter organized under the laws of this state for the purpose of engaging in maritime commerce or navigation shall be assessed only in the city, village or township which is stated in their original articles of association or in any amendment thereof heretofore or hereafter made, to be the location of their general office for business. The property of [illegible] shall be [illegible] by, covered by such taxation, except when otherwise provided by law. All other property of such corporation shall be taxed under this act. In computing the taxable property of insurance companies organized under the laws of this state, the value of the real property on which a company pays taxes shall be deducted from its net assets above liabilities, as determined and shown by the last report of the commissioner of insurance, and the remainder shall be the amount of personal property for which the company shall be assessed. [3834.]

Copartnership property: For the purpose of assessing property and collecting taxes, a copartnership shall be treated as an individual, and whenever the name of the owner or occupant of property is required to be entered upon the assessment roll if such property is owned or occupied by a copartnership, the firm name shall be used. A copartnership shall be deemed to reside in the township where its business is principally carried on. Each partner shall be liable for the whole tax. [3835.]

Personal property; where to be assessed: All personal property,

except as hereinafter provided, shall be assessed to the owner in the township in which he is an inhabitant, on the second Monday of April, of the year for which the assessment is made. [3836.]

Exceptions to the foregoing: The excepted cases referred to in the preceding section are as follows, viz.:

1. All goods and chattels situate in some township other than where the owner resides shall be assessed in the township where situate, and not elsewhere, if the owner or person having control thereof hires or occupies a store, mill, dock-yard, piling ground, place for sale of property, shop, office, mine, farm place of storage, manufactory or warehouse therein, for use in connection with such goods and chattels: Provided, That the procuring any such property to be manufactured upon contract shall be deemed the hiring a mill or manufactory within the meaning of this section;

2. All animals kept throughout the year in some township other than where the owner resides shall be assessed to such owner, or the person in possession, in the township where kept;

3. All shares in banks shall be assessed to their owners in the township, village or city where the bank is located: Provided, That the shares owned by a person residing in the county where the bank is located shall be assessed in the township or city where he resides;

4. The personal property of minors under guardianship shall be assessed to the guardian in the township where he resides, and the personal property of every other person under guardianship shall be assessed to the guardian in the township where the ward resides;

5. The personal property belonging to the estates of deceased persons, in the hands of executors or administrators, shall be assessed to them in the township and in the school district where the deceased last dwelt, until they shall give notice that the estate has been distributed to the parties interested. If such deceased was a non-resident of the state such property shall be assessed in the township where stiuated, to such executors or administrators, or to the person in possession;

6. Personal property under the control of a trustee or agent whether a corporation or a natural person, may be assessed to such trustee or agent in the township where he resides, except as otherwise provided. Personal property mortgaged or pledged shall be deemed the property of the person in possession thereof, and may be assessed to him;

7. All personal property of any person situate upon, also all buildings situate and being upon the lands of the United States, or of this state, shall be deemed personal property for the purposes of taxation and assessment, and shall be assessed as personal property, to the owner or occupant thereof, in the city, village or township in which such lands are situated, and such buildings shall be subject to sale for taxes in the same manner as herein provided for the sale of personal property: Provided, however, It shall not be necessary to remove any such buildings for the purpose of sale;

8. Personal property of non-residents of the state, and all forest products owned by residents or non-residents, or estates of deceased persons, shall be assessed in the township or ward where the same may be to the person having control of the premises, store, mill, dock, yard, piling ground, place of storage, or warehouse where such property is situated in such township, on the second Monday of April of the year when the assessment is made, except that where such property is in transit to some place within the state, it shall be assessed in such place. [3837.]

Logs, etc., in transit; proviso: All forest products in transit on the second Monday in April in each year and thereafter found in the waters or streams of this state or on the banks or shores of any lake, pond or stream of this state, when the same is not at the place where it is to be manufactured, shall be held to have a place of destination at the sorting grounds of the rafting and driving agents or booming company nearest the mouth of the stream, unless the contrary shall be made to appear by the owner or party having the same in charge: Provided, That all lumber, logs, timber, lath, pickets, shingles posts, cordwood, tanbark, telegraph or telephone poles, or railroad ties, that may be piled or left in any yard, railroad reserve, or in any shed, shall not be deemed in transit, but it shall be assessed to the person or corporation having control of the yard, railroad reserve, shed or place of storage where the same may be situated at the time provided by law for taking such assessment. [3838.]

Supervisor to view logs, etc.; location of personal property: It shall be the duty of the supervisor of the township in which any such saw logs, timber, railroad ties, telegraph poles or tanbark, cut prior to the time of taking the annual assessment, may be banked or piled, or that may be in transit, to ascertain the amount of such property which may be or may have been in his township or assessment district at any time during the month of April in each year, liable to assessment, by actual view of the same, as far as practicable, and to fix the value of such property, and to assess the same to the owner thereof as herein provided. [3839.]

Location of personal property: No change of location or sale of any personal property, after the first day of May in any one year shall affect the assessment made in such year. As between school districts and road districts the location of personal property for taxation shall be determined by the same rules as between assessment districts: Provided, That whenever the owner or occupant shall reside upon contiguous tracts or parcels of land which lie in two or more assessment districts, then the personal property of such owner or occupant shall be assessed in the assessment district where such owner or occupant resides at the time the assessment is made. [3840.]

Duties of assessor; may require sworn statement: It shall be the duty of each supervisor or other assessing officer as soon as possible after entering upon the duties of his office, or as may be directed and

required by the provisions of any acts of incorporation of any city or village making special provision for such assessment, to ascertain the taxable property of his assessing district, and the persons to whom it should be assessed, and their residences. For this purpose he may require every person of full age and sound mind, who the supervisor or assessor believes has property which is not exempt from taxation to make and subscribe to a true and correct written statement under oath, administered by such supervisor or assessing officer, or other officer qualified to administer oaths under the laws of this state, of all the taxable property of such person, firm or corporation, whether owned by him or not, or held for the use of another, and it shall be the duty of every such person, firm or corporation, to make such statement under oath, duly administered by the supervisor or assessing officer: Provided, That any person having no property which is not exempt, if required to take an oath by the supervisor or assessor, may take oath to the fact. [3841.]

Assessors' blanks; sworn statement of property required: In taking such assessment the supervisor or assessor sall use blank forms as may be necessary. * * * * * Every owner of propery liable to taxation under the provisions of this act being of full age and sound mind, who is a resident of this state, shall make out and deliver to the supervisor or assessor on demand, a sworn statement of all the property owned or held by him, as follows:

Real property: An accurate description of each parcel of land, with the number of acres contained therein.

Personal property; credits; indebtedness: 1. All annuities and royalties;

2. All credits of every kind owing to such person, whether such indebtedness is due from individuals or from corporations, public or private, and whether debtors reside within or without this state, including all deposits in banks or with other corporations or individuals; together with a statement of any part thereof that is secured by real estate mortgage on lands situated in some other state;

3. All bona fide indebtedness, owing by such person, giving an itemized statement in detail, how secured, and to whom owing, and the residence of such creditors and the amount due each, provided he desires to have the same deducted from his credits.

Personal property; chattels: 1. All shares in banks organized in this state under any law of this state or of the United States, and their cash value after deducting the value of the real estate taxed to banks;

2. All shares in foreign corporations, except national banks and their cash value;

3. All shares in other corporations organized under the laws of this state when the property of such corporation is not exempt, or is not taxable to itself, and their cash value;

4. All moneys;

5. The value of all gold and silver plate, watches, diamonds and jewelry;

6. The value of all household furniture, over and above exemptions;

7. The number and value of all billiard tables and other personal property used in connection therewith, and all other similar property owned or in possession by him;

8. All patent rights and their value;

9. The number and kinds of domestic animals not exempt, and their value;

10. All carriages and other vehicles, and sleighs kept for pleasure or hire, and their value;

11. All mechanical and agricultural implements and tools, and their value;

12. All machinery not affixed to real property, and its value;

13. All ships, boats and vessels, whether at home or abroad, and their value;

14. All merchandise and stock in trade including grain in elevators, and its value;

15. All logs, timber, posts and ties, and their value, where the same is situate on the second Monday in April, as near as may be, and the distinctive marks thereon, if any, and place of destination in this state;

16. All other goods, chattels and personal property not heretofore specifically mentioned, and their value, except property specifically exempt from taxation;

17. All goods and chattels which are exempt from taxation;

18. All moneys or other personal property held as assignee, attorney, executor, guardian or agent, liable to taxation under the laws of this state;

19. The number of dogs of all kinds over six months old;

20. The value of all elevators, warehouses and improvements on lands the title to which is vested in any railroad corporation, and the value of the contents. [3842.]

Imperfect statements not to be accepted: The supervisor or assessor shall not accept any of the statements herein above required as final or sufficient when such statement is not properly subscribed and sworn to, but shall preserve the same as in other cases, and such statement may be used in making the assessment and as evidence in any proceeding which may arise respecting the making of the assessment of the party furnishing such statement. [3843.]

Willful neglect to make statement, etc.; penalty: In every case when any person or member of any firm or officer of any corporation shall wilfully neglect or refuse to make out and deliver a true and correct sworn statement, under oath, administered by the supervisor or other assessing officer or members of the Board of State Tax Commissioners herein provided for or other officers or shall answer falsely or refuse to answer questions concerning his property or property under his control,

as required by this act, such person shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment in the county jail not less than thirty days nor more than six months, or by fine not less than one hundred dollars nor more than one thousand dollars, or by both such fine and imprisonment in the discretion of the court. And it shall be the duty of the supervisor, assessing officer, and each member of the Board of State Tax Commissioners whenever he is satisfied that any person liable to make such assessing statement is justly liable to such penalty, to report the case to the prosecuting attorney of the county and make proper complaint for such prosecution. [3844.]

Testimony: If the supervisor or assessing officer or a member of the Board of State Tax Commissioners shall be satisfied that any statement so made is incorrect, or if, by reason of absence or other cause, said sworn statement cannot be obtained from the person or corporation whose property is so assessed, said supervisor assessing officer or any member of the Board of State Tax Commissioners is hereby authorized and required to examine, on oath, to be administered by any of them any other person or persons whom he may have reason to believe, and does believe has knowledge of the amount or value of any property owned, held or controlled by such person so neglecting or refusing or omitting to be examined or to furnish such statement, and such supervisor or assessing officer is hereby authorized to set down and assess to such person, firm or corporation so entitled to be assessed, such amount of real and personal property as he may deem reasonable and just. [3845.]

Statements presented to board of review; final disposition; unlawful use of statement: All the statements herein required to be made and received by the supervisor or assessor shall be filed by him, and shall be presented to the board of review hereinafter provided for, or provided for in any act incorporating any town, village or city, for the use of said board, and after the assessment is reviewed and completed by such board of review, all of the statements shall be deposited in the office of the township or city clerk, as the case may be, and shall be preserved until after the next assessment is made and completed after which they may be destroyed upon the order of the township board or city or village council, but no such statement shall be used for any other purpose except the making of an assessment for taxes as herein provided, or for enforcing the provisions of this act, and any officer or person who shall make or allow to be made, willfully or knowingly, any other or unlawful use of any such statement, shall be liable to the person making such statement for all damages resulting from such unauthorized or unlawful use of such statement. [3846.]

Assessment roll; how made: On or before the third Monday of May in each year, the supervisor or assessor shall make and complete an assessment roll, upon which he shall set down the name of every person liable to be taxed in his township or assessment district, with a full description of all the real property therein liable to be taxed. If the

name of the owner or occupant of any such tract or parcel of real property is known, he shall enter the name of such owner or occupant as in this act provided opposite to the description thereof; in all other cases the real property described upon such roll shall be assessed as owner unknown. Each description shall show as near as may be the number of acres contained in it, as determined by the supervisor. It shall not be necessary for the assessment roll to specify the quantity of land comprised in any town, city or village lot. The supervisor shall estimate, according to his best information and judgment, the true cash value of every parcel of real property and set the same down opposite such parcel. He shall also estimate the true cash value of all personal property of each person, and set the same down opposite the name of such person. In determining the property to be assessed and estimating such value, he shall not be bound to follow the statements of any person but shall exercise his best judgment. Property assessed to one other than the owner shall be assessed separate from his property and shall show in what capacity it is assessed to him whether as agent, guardian or otherwise. Two or more persons not being copartners, owning personal property in common may each be assessed severally for his portion thereof. Undivided interests in lands owned by tenants in common, or joint tenants not being copartners, may be assessed to the owners thereof. [3847.]

Description of real property: The description of real property may be as follows, viz.:

1. If the land to be assessed be an entire section, it may be described by the number of the section, township and range;

2. If the tract be the subdivision of a section authorized by the United States for the sale of public lands, it may be described by the designation of such subdivision, with the number of the section, township and range;

3. If the tract be less or other than such subdivision it may be described as a distinct part of such subdivision, or by designation of the lot or other lands by which it is bounded, or in some way by which it may distinctly be known;

4. In case of land platted or laid out as a town, city or village, or as an addition to a town, city or village the same may be described by reference to such plat and by the number of the lots and blocks thereof, whether such plat be recorded or not;

5. When two or more parcels of land adjoin and are used and occupied together, they may be assessed by one valuation;

6. Lands may be designated by any description by which they may be known;

7. It shall be sufficient to describe the real property assessed upon any roll and in all other proceedings under this act, in the manner heretofore in use by initials, letters, abbreviations and figures. [3848.]

Description of personal property; dogs: The description of

personal property on said roll may be made by using the word "personal," except in cases heretofore mentioned, or in the assessing of any dog tax authorized by law, in which case the kind of property assessed shall be properly designated upon the roll. [3849.]

"Cash value" defined; location and appurtenances to be considered: The words "cash value," whenever used in this act, shall be held to mean the usual selling price at the place where the property to which the term is applied shall be at the time of the assessment, being the price which could be obtained therefor at private sale, and not at forced or auction sale. In determining the value the assessor shall also consider the advantages and disadvantages of location, quality of soil, quantity and value of standing timber, water power and privileges, mines, minerals, quarries or other valuable deposits known to be available therein and their value. [3850.]

VII. Taxes a Lien.

Taxes and charges a lien after Dec. 1; precedence of tax lien: The taxes thus assessed shall become at once a debt to the township, ward or city from the persons to whom they are assessed, and the amounts assessed on any interest in real property shall, on the first day in December, become a lien upon such real property, and the lien for such amounts, and for all interest and charges thereon, shall continue until payment thereof. And all personal taxes shall also be a lien on all personal property of such persons so assessed from and after the first day of December in each year, and shall take precedence of any sale, assignment or chattel mortgage, levy or other lien, on such personal property, executed or made after said first day of December, except where such property is actually sold in the regular course of trade. [3863.]

VIII. Collection of Taxes.

Township treasurer to collect taxes; when tenant liable: On receiving such tax roll, the township treasurer or other collector shall proceed to collect such taxes. The township treasurer shall remain in his office at some convenient place in his township, village or city on every Friday in the month of December thereafter, from nine o'clock a. m. to five o'clock p. m., to receive taxes: Provided, however, That he shall receive taxes upon any week day when they may be offered, and on all sums voluntarily paid before the tenth day of January of the succeeding year, he shall add one per cent. for collection fees, and upon all taxes paid on or after said tenth day of January he shall add four per cent. In case he may be apprehensive of the loss of any personal tax assessed upon his roll, he may proceed to enforce its collection at any time, and if compelled to seize property or bring suit in December, may add four per cent. for collection fees, and when taxes are assessed on property occupied by tenant or tenants paying rental therefor, and he

is assessed as occupant of said premises, the said tenant or tenants shall be liable for the taxes assessed on said property after the time said tax roll is delivered to the township treasurer or other collecting officer for the year, but not for more of the same than the amount of the rental may be while said tax roll is in his hands and which becomes due to the owner during such period, and may be collected in the same manner as provided for collecting the same from persons owning and occupying their own property; and said collecting officer shall notify all such persons occupying rented property, or so far as he may know of the same, as soon as the tax roll is delivered to him, by written notice, and shall note said notice and the date thereof against the description of said property on the roll.

Collection to be before March 1: All taxes shall be collected by the several township and city treasurers or collectors, before the first day of March, in each year. [3868.]

Personal demand after Jan. 10; how made by mail: For the purpose of collecting the taxes remaining unpaid on the tenth day of January, the said treasurer shall, thereafter during that month, call personally upon each person liable to pay such taxes, if a resident of such township, or at his usual place of residence or business therein, and demand payment of the taxes charged against him. If such person is not a resident of the township, but resides within the county, or an adjoining county, and his residence is known to the treasurer, he shall make such demand either personally or by mail. In cases of companies or corporations demand may be made at the principal or other office of such company or corporation, or by mail directed to such corporation or company, or its principal officer at its usual place of business. In cities where some special provision is made for demand or collection of taxes, the collector or treasurer shall comply with such special provision, otherwise be bound by the provisions of this act. If demand is sent by mail, the amount of the tax shall be stated and the place and time where and when it may be paid. He shall give a receipt for every tax paid, and shall enter in ink the fact of payment, and the date thereof upon his tax roll. In case of taxes assessed upon the shares of the capital stock of any bank he shall call upon the cashier of such bank and demand payment thereof, and thereupon it shall be the duty of such cashier to pay the same, and charge the amount so paid against the shares of stock so taxed. [3869.]

Seizure and sale of personal property for taxes: If any person shall neglect or refuse to pay any tax assessed to him, the township or city treasurer, as the case may be, shall collect the same by seizing the personal property of such person to an amount sufficient to pay such tax, fees and charges for subsequent sale, wherever the same may be found in the county in which such treasurer resides or in an adjoining county thereto, and in case of assessment upon the personal property of corporations organized under the laws of this state for the purpose of engaging

in maritime commerce, and navigation, wherever personal property of such corporation may be found within the state, and from which seizure no property shall be exempt. He may sell the property seized to an amount sufficient to pay the taxes and all charges, in the place where seized, or in the township or city of which he is treasurer, at public auction, on giving public notice of the same at least five days previous to the sale, by posting written or printed notices in three public places in the township, village or city where the sale is to be made, which sale may be adjourned from time to time if he shall deem the same necessary; and in case property shall be seized and advertised as herein directed, during the life of the warrant, the same may take place at any time within six days after the expiration thereof. If it becomes necessary to sell personal property which brings more than the amount of taxes and charges, the balance shall be returned to the person from whose possession the property was taken, except as hereinafter provided. If the property so distrained cannot be sold for want of bidders, and in such cases only, the treasurer shall return a statement of the fact, and such tax shall be returned as unpaid. The township treasurer, if otherwise unable to collect a tax on personal property, may sue the person to whom it is assessed, in the name of the township, village or city, and garnishee any debtor or debtors of such person. The tax roll shall be prima facie evidence of the debt sought to be recovered: Provided, That when any person having possession of the personal property of any other person or corporation shall be assessed for such property and shall be obliged to pay the taxes thereon, such person, so paying the taxes, may recover of the person for whose benefit the taxes were paid, with the interest thereon, in an action of assumpsit. [3870.]

Further provisions for sale; fees; property removed; levy and execution: In case of a distress and sale of goods and chattels, for the payment of any tax, the treasurer or other collecting officer may also collect on such sale one dollar and fifty cents over and above the tax, as his fees for making such sale, which fees and percentage hereinbefore provided shall be in full for his services in collecting such taxes; and in case payment of such tax shall be made after the distress and before the sale, it shall be lawful for such treasurer or collecting officer to require the payment of one dollar and fifty cents as his fee for making such distress, and to enforce payment of the same, if need be, by making sale notwithstanding the tax shall have been paid. And whenever any personal property having been assessed to any person in any township or ward in this state shall be removed therefrom before the taxes assessed thereon shall be collected, and there being no other personal property sufficient in said township or ward whereon the treasurer or other collecting officer can levy and collect said taxes, or any of them, he shall have full power, and it shall be his duty to make a statement, duly certified by him to be correct and true, showing that personal property has been assessed to such person, naming him, the valuation thereof, the various taxes

thereon, and the total thereof, as appears from the roll in the hands of such treasurer, and that such property has been removed from such township, ward or city since the assessment thereof, and that the taxes or some portion of them has not been paid; which statement shall be witnessed and acknowledged in the same manner as deeds of real estate are acknowledged, and shall be received in all courts and other places as evidence of the facts therein contained, without proof of its execution, and shall be prima facie evidence of the validity of the tax therein named against the person therein named, and shall be full and ample authority to the treasurer or other tax collector to whom it shall be sent to levy and collect the same in the same manner as other personal taxes are collected by him when spread upon his own roll. Such statements may be sent to the township or city treasurer, or other collecting officer of any township or city in this state, where the person against whom such assessment was made may have property, and the treasurer, or other collecting officer to whom such statement shall have been transmitted, shall, upon the receipt of the same, proceed to collect said taxes out of any property belonging to the owner of such property so taxed as aforesaid, within his jurisdiction, liable to be seized for taxes, together with double collection fees therefor, and the further sum of twenty-five cents to defray the expense of transmitting the taxes so collected as hereinafter provided, and shall give his receipt therefor. The said treasurer, or other collecting officer, shall thereupon transmit the taxes, and one-half of the collection fees as aforesaid collected, to the township treasurer, or other collecting officer, from whom he received such statement, and the latter shall, upon the receipt of said taxes and collection fees, mark the said taxes in ink as paid upon his tax roll, and the date of the receipt of the same, retaining the collection fees so received as aforesaid, as his fees in the matter of the collection of said taxes. Executions issued upon judgments rendered, for any tax, may be levied upon any property, without exemption, the same as though seized for sale under warrants issued for the collection of taxes by township supervisors, and collected in the same manner, in all other respects, as provided by law for the collection of judgments. [3871.]

IX. Payment of Taxes; Manner; Rights of Lienholders; of Tenant; Evidence.

Any one may pay the taxes or any one of the several taxes or any part thereof on any parcel of land and the treasurer shall note across the face of the receipt in ink, any portion of the taxes remaining unpaid. He may pay any tax, whether levied on personal or real property, under protest to the treasurer, specifying at the time in writing, signed by him, the grounds of such protest, and such treasurer shall minute the fact of such protest on the tax roll and in the receipt given. The person paying under such protest may, within thirty days, and not afterwards, sue the

township for the amount paid, and recover it, if the tax is shown to be illegal for the reason specified in such protest. Any person owning an undivided share, or other part or parcel of real property assessed in one description, may pay on the part thus owned by paying an amount having the same relation to the whole tax as the part on which payment is made has to the whole parcel. The person making such payment shall accurately describe the part or share on which he makes payment, and the receipt given and the record of the receiving officer shall show such description, and by whom paid; and in case of the sale of the remaining part or share for non-payment of taxes, he may purchase the same in like manner as any disinterested person could. Any person having a lien on property may, after thirty days from the time tax is payable, pay the taxes thereon, and the same may be added to his lien and recovered with the rate of interest borne by the lien. A tenant of real estate may pay the taxes thereon and deduct the same from his rent, unless there be an agreement to the contrary. Such payment may be made to the township treasurer while the tax roll is in his hands, or afterwards to the county treasurer. The receipt given shall be evidence of such payment. [3876.]

CHAPTER 27.

Trespass.

I. Trespass on lands.
II. Trespass upon cranberry marshes.
III. Trespass by cutting or destroying wood, timber, grain, etc.
IV. Entering gardens, orchards, etc.
V. Trespass on public lands.
VI. Collection of damages for trespass.

I. Tresspasses on Lands.

Treble damages in certain cases: Every person who shall cut down or carry off any wood, underwood, trees or timber, or shall girdle or otherwise despoil or injure any trees on the land of any other person, without the leave of the owner thereof, or on the lands or commons of any city, township, village or other corporation, without license therefor given, shall be liable to the owner of such land, or to such corporation, in three times the amount of damages which shall be assessed therefor in an action to trespass, by a jury, or by a justice of the peace in the cases provided by law. [11204.]

Exceptions: If, upon the trial of any such action, it shall appear that the trespass was casual and involuntary, or that the defendant had probable cause to believe that the land on which such trespass was committed was his own; or that such wood, trees or timber were taken for the purpose of making or repairing any public road or bridge; judgment shall be given to recover only the single damages assessed. [11205.]

Trespass in forcible entry or detainer: If any person shall be ejected or put out of any lands or tenements in a forcible and unlawful manner, or being put out, be afterwards holden and kept out by force, or with strong hand, he shall be entitled to maintain an action of trespass, and shall recover therein three times the amount of damages assessed by the jury or a justice of the peace in the cases provided by law. [11206.]

II. Trespass Upon Cranberry Marshes.

Trespass on cranberry marsh; penalty; further penalties: If any person shall enter the premises of any other person, and take and carry away cranberries or canberry vines there growing, shall trample or otherwise injure or destroy the cranberry vines growing thereon, without the permission of the owner or occupant of said premises, such person shall be deemed guilty of a misdeameanor, and on conviction thereof, shall be punished by imprisonment in the county jail not less than five days, or by fine not less than five dollars, and costs of prosecution, or both such

fine and imprisonment, in the discretion of the court; and if any of the offenses mentioned in this section shall be committed on the first day of the week, or in disguise, or secretly in the night-time, between sun-setting and sun-rising, on conviction thereof the punishment shall not be less than twenty dollars fine, or imprisonment in the county jail not less than ten days, or both, at discretion of the court. [11643.]

Treble damages: Any person who shall commit any of the acts of trespass in section one of this act, shall be liable in treble damages, in an action of trespass to be brought in the name of the owner or occupant of the land upon which said trespass may have been committed. [11644.]

NOTE: A like law as to trespass on huckleberry marsh and lands growing blackberries was passed, and approved June 2, 1909. [Act 261.]

III. Trespass by Cutting or Destroying Wood, Timber, Grain, Etc.

Willful trespass by cutting or destroying wood, timber, grain, etc.: Every person who shall willfully commit any trespass, by cutting down or destroying any timber or wood, standing or growing on the land of another, or by carrying away any kind of timber or wood, cut down or lying on such land, or by digging up or carrying away any stone, ore, gravel, clay, sand, turf or mould from such land, or any roots, fruit or plant there being, or by cutting down or carrying away any grass, hay, or any kind of grain standing, growing or being on such land, or by carrying away from any wharf or landing place, railroad depot or warehouse, any goods whatever in which he has no interest or property, without the license of the owner, of the value of five dollars or more, shall be punished by imprisonment in the county jail not more than sixty days, or by fine not exceeding one hundred dollars. [11587.]

IV. Trespass by Entering Gardens, Orchards, Etc.

Willful trespass by entering gardens, orchards, etc.: Every person who shall willfully commit any trespass by entering upon the garden, orchard or other improved land of another, without permission of the owner thereof, and with intent to cut, take, carry away, destroy or injure the trees, grain, grass, hay, fruit or vegetables there growing or being, shall be punished by imprisonment in the county jail not more than thirty days, or by fine not exceeding twenty dollars; and if any of the offenses mentioned in this, or in the preceding section, shall be committed on the first day of the week, or in disguise, or secretly in the night time, between sun setting and sun-rising, the imprisonment shall not be less than five days, nor the fine less than five dollars. [11588.]

V. Trespass on the Public Lands.

Not to enter on public lands; cut or destroy trees; penalty: Every person not thereto lawfully authorized, who shall willfully and knowingly enter upon, or willfully and knowingly induce or direct any

other person to enter upon any of the lands of this state, or any lands held in trust by this state for railroad purposes, or for any purpose whatsoever, and shall cut down or destroy, or cause to be cut down or destroyed, any trees standing or growing thereon, if the value of such trees so cut down or destroyed, shall exceed the sum of twenty-five dollars, shall be deemed guilty of felony, and shall be punished by imprisonment at hard labor in the state prison, not more than five years, or by fine not less than one hundred nor more than two thousand dollars. [11749.]

Converting trees, timber or lumber; felony; punishment: Every person who shall take and carry away any trees or parts thereof, or any timber or lumber made therefrom, so cut or destroyed, or heretofore so cut down or destroyed, on such land, wherever in this state the same shall be, with intent to convert the same to his own use or the use of his employer or principal, if the same shall exceed in value the sum of twenty-five dollars, shall be deemed guilty of a felony, and shall be punished by imprisonment in the state prison not more than five years, or by a fine of not less than one hundred nor more than two thousand dollars, and imprisonment in the state prison not less than three nor more than twelve months. [11750.]

Punishment when property does not exceed twenty-five dollars: If the trees so cut down or destroyed, or the trees, parts of trees, or timber or lumber made thereof, so taken and carried away, shall not in value exceed the sum of twenty-five dollars, the person offending shall be punished by imprisonment in the state prison not less than three months nor more than one year, or by fine not less than fifty nor more than one hundred dollars, and imprisonment in the state prison not more than three months. [11751.]

VI. Collection of Damages for Trespass.

Party may waive tort and bring assumpsit: In all cases where a party has a right of action for the taking of timber or other trespass on lands or for any injury to lands, whether direct or consequential, it shall be lawful for the party having such right of action to waive the tort and bring assumpsit therefor. [11207.]

Plaintiff may commence suit by attachment, etc.: When tort is waived, as provided in the preceding section, the plaintiff may commence his suit by attachment against the property of the defendant, as in other cases, and his affidavit for such attachment shall state the amount due him as near as may be, and the fact that the damages are liquidated shall not prevent the bringing and maintaining of such writ. [11208.]

CHAPTER 28.

Trees and Timber.

I. On or near boundary line.
II. In highway.
III. Shade trees.
IV. Timber.

I. On or near boundary line.

On this subject the decisions of the courts in various cases are given in the language of the court rendering them. They are as follows:

"Trees standing so nearly upon the line between lands that portions of its body extend into each, the same is the property in common of the landowners. And neither of such owners is at liberty to cut the tree without the consent of the other, nor to cut away the part which extends into his land, if he thereby injures the common property in the tree." I Washburn on Real Property, 7 § a—29 L. R. A. 585.

"Trees standing wholly within the boundary line of one's land belong to him although the roots and branches of such trees may extend into the adjacent owner's land. But the adjacent owner may lop off the branches or roots of such up to the line of his land." 29 L. R. A. 585.

Trees on a boundary line belong to the adjoining owners as tenants in common, and one joint owner may be enjoined at the suit of the other from cutting down such trees, although such plaintiff had cut down similar trees before. Musch vs. Burkhart, 83 Iowa 801.

A tree standing on the boundary line is the common property of both parties whether marked or not, and trespass will lie if one destroys it without the consent of the other. Griffin vs. Bixby, 12 N. H. 454.

The destruction of forest trees along a disputed boundary line may be enjoined pending a suit to establish such line. De La Croix vs. Villere, 11 La. Ann. 39.

If my tree blow down and fall on the land of my neighbor, I may go on and take it away, and the same rule prevails where fruit falls on the land of another, but if the owner of a tree cut the loppings so that they fall on another's land, he cannot be excused for entering to take them away on the ground of necessity, because he might have prevented it. Newkirk vs. Sabler, 9 Barb. 655.

Projecting trees near a boundary line a nuisance; when: Trees projecting over another's land are only nuisances as to the projection and may be cut off, or the party aggrieved may sue for damages or have the nuisance abated. The projecting roots may also be abated, but the tree cannot be cut down. Grandona vs. Lovdal, 70 Cal. 611.

Branches which overhang property adjoining that on which the trees are growing constitute a nuisance which the owner of such adjoining property may remove. Hickey vs. Michigan C. R. Co., 96 Mich. 498.

II. Trees in Highway.

Trees in highway are property of adjacent owner: Trees in the highway are the property of the adjacent owner; and if they encroach upon the highway and must be removed, he has a right and must be afforded reasonable opportunity to take them as living trees and transplant them elsewhere. The order of removal should be given to him and he should be allowed a reasonable time to comply with it before the commissioners should act further. 21 L. R. A. 731.

Neighbor has no right to cut if tree does not overhang his land: Where a party cuts down trees standing in the street in front of his neighbor's land, on the ground that their shade made his house damp and unhealthy, but did not show that they overhung his land, he was held liable in damages. Bliss vs. Ball, 99 Mass. 598.

III. Shade Trees.

Cutting down or injuring: The cutting down or injuring of shade or other ornamental trees is an irreparable injury, which the courts will prevent by injunction. B. & O. Ry. Co. vs. Boyd, 67 Md. 32.

Wilson vs. Mineral Point, 39 Wis. 160.

Musch vs. Burkhart, 83 Iowa, 301.

Shade trees in highway: A telegraph company has no right to trim without consent of owner of adjoining land, and is liable to such owner for the damages incurred. W. U. Tel. Co. vs. Smith, 64 O. S., 106, 115.

Telegraph, telephone and electric light and power companies, etc., are liable for negligence resulting in unnecessary injuries in cutting trees in or along the highway for running their wires, and this rule holds even if the wires are for public use.

Clay vs. Postal Teleg. Co., 70 Miss. 406.

Tissot vs. Great So. Tel and Telephone Co., 39 La. Ann. 996.

Damages to the amount of $150 were awarded against a telephone company for cutting off the top of a handsome elm tree, standing in front of a side-walk, where the lot was centrally located and was available for high-class buildings, and the cutting was without any justification, although the agents of the company thought they had permission. Hoyt vs. Telephone Co., 60 Conn. 385.

IV. Timber.

See "Trespass'.

CHAPTER 29.

Time-Limit for Commencing Suits at Law.

I. For recovery of land, etc.
II. For commencing personal actions, etc.

I. Recovery of Land.

Actions for the recovery of lands must be commenced within certain prescribed periods, after the right to bring any such action accrues, as follows, to wit:

Within five years: First, Within five years, where the defendant claims title to the land in question, by or through some deed made upon a sale thereof by an executor, administrator or guardian, or by a sheriff, or other proper ministerial officer, under the order, judgment, decree or process of a court, or legal tribunal of competent jurisdiction within this state, or by a sheriff upon a mortgage foreclosure sale;

Within ten years: Second, Within ten years, where the defendant claims title under a deed made by some officer of this state, or of the United States, authorized to make deeds upon the sale of lands for taxes assessed and levied within this state;

Within fifteen years: Third, Within fifteen years in all other cases. [9714.]

Foreclosure of mortgage, etc.: Action to be brought within fifteen years.

II. Commencing Personal Actions.

Certain actions to be brought within six years: The following actions shall be commenced within six years next after the cause of action shall accrue, and not afterwards, that is to say:

1. All actions of debt, founded upon any contract or liability not under seal, except such as are brought upon the judgment or decree of some court of record of the United States, or of this, or some other of the United States;

2. All actions upon judgments rendered in any court, other than those above excepted;

3. All actions for arrears of rent;

4. All actions of assumpsit, or upon the case, founded upon any contract or liability, express or implied;

5. All actions for waste;

6. All actions of replevin and trover, and all other actions for taking, detaining, or injuring goods or chattels;

7. All other actions on the case, except actions for slanderous words, or for libels. [9728.]

Actions for trespass, assault and battery, false imprisonment, slander and malpractice: All actions for trespass upon lands, or for assault and battery, or for false imprisonment, and all actions for slanderous words and for libels, and all actions against physicians, surgeons and dentists for malpractice shall be commenced within two years next after the cause of action shall accrue and not afterwards. And all actions for libels shall be commenced within one year next after the cause of action shall accrue and not afterwards. [9729.]

Actions against sheriffs: Actions against sheriffs, for the misconduct or neglect of their deputies, shall be commenced within three years next after the cause of action shall accrue, and not afterwards [9728.]

Ten years: All personal actions on any contract, not limited by the foregoing sections, or by any law of this state, shall be brought within ten years after the accruing of the cause of action, and not afterwards. [9734.]

When right of action concealed: If any person who is liable to any of the actions mentioned in this chapter, shall fraudulently conceal the cause of such action from the knowledge of the person entitled thereto, the action may be commenced at any time within two years after the person who is entitled to bring the same shall discover that he has such cause for action, although such action would be otherwise barred. [9739.]

Actions to recover penalties or forfeitures, etc.: All actions and suits for any penalty or forfeiture on any penal statute, brought in the name of the people of this state, shall be commenced within two years next after the offense was committed, and not afterwards, except in the cases mentioned in the next section. [9848.]

The preceding section shall not apply to any suit which is or shall be limited by any statute, to be brought within a shorter or longer time than is prescribed in said section; but such suit shall be brought within the time that may be limited by such statute. [9849.]

Action on appeal bond: Action against the sureties on any bond given on an appeal from any justice court shall be brought within two years after the final determination of the suit in which such bond is filed * * * * . [9753.]

Minors, insane persons, convicts, et al., may bring action after disability removed: If any person entitled to bring any of the actions mentioned in this chapter shall, at the time when the cause of action accrues, be within the age of twenty-one years, insane, or imprisoned in the state prison, or absent from the United States and from the British provinces of North America, such person may bring the action within the times respectively limited, after the disability shall be removed * * * *. [9733.]

CHAPTER 30.

Water and Watercourses.

Rights of landowner in water: There is no right of property in the water of a natural flowing stream, the only right is the use of the water as it flows by the land adjoining the stream. Each proprietor of land through which water flows may use as much of it as is necessary for natural and domestic purposes, even if it be entirely consumed in the use, but he is limited as regards other purposes to a reasonable and proportionate use which must not be such as to exclude others from a benefit to which they are equally entitled with himself. A riparian owner may make any reasonable use of the stream, directing or changing its course upon his own land; but he must return the stream to its natural channel upon the land below him; and he should use the water so every owner below will have the use and enjoyment of it, substantially according to its natural flow.

Right to take ice: Ice belongs to the owner of the land, 33 Ind. 402, unless the stream be a navigable one recognized as public property, in which case the riparian owner takes no exclusive right to the ice. 31 Mass. 474. Owners along streams have a right to take the ice, or to lease the right to others. 112 Mich. 483.

Right to hunt and trap along stream: Each adjacent land owner has such right. 20 O. C. C. 637.

Surface water; ownership of: Surface water belongs to the owner of the land, who may use it upon his own premises as he sees fit not injuring his neighbor. The lower ground is under a natural servitude to higher ground to receive from it all surface water, accumulating from falling rains and melting snows, or from natural springs, that naturally flow from it to and upon the lower ground. This advantage of the higher land is a part of the property of the owner in it, and he is not indebted to the owner of the lower ground therefor. But the upper riparian owner has no right to dam up the stream and then discharge the water in great quantities upon the lower owner, and the erection of an embankment upon one's land, whereby the surface water of the adjoining land of another is prevented from flowing in its natural course, and caused to flow off in a different direction over the land of the latter is a nuisance for which an action may be maintained and recovery had, nor can waters in a basin which has no natural outlet rightfully be conducted by artificial drain so as to flow upon the land of another to his damage. Nor has a land owner any right to collect his surface water together and discharge it in a stream upon his neighbor's land. No

action will lie, however, for damming up water unless some actual injury is sustained.

NOTES: The diversion of water from an alleged natural watercourse through which it had been accustomed to run upon complainant's land, where he utilized it for farm purposes, so as to deprive him of such use, was enjoined. 73 Mich. 170.

One has not the right to construct and maintain open ditches and drains which collect the water from ponds or pools on his own premises and cast it in unusual quantities upon his neighbor's land; but he may, in the interest of good husbandry, fill cavities in his land, and if, in this regard, he does no more than is necessary and desirable, and desirable for the proper tillage of his land, he is not liable. 97 Mich., 282.

One who has a swamp on his land has no right to transfer it to his neighbor by digging an artificial ditch and carrying the water upon his neighbor's land so as not to overflow and percolate his own soil, and the fact that the digging of the ditch is good husbandry is no defense. 86 Mich. 24.

If by an artificial cut that changes the course of the water in drains already established one so increases the discharge of surface water from his land into another drain as to cause it to overflow a lower proprietor's land, he is liable for injury done. 93 Mich. 196.

Subterranean waters, disturbing, etc.: If a landowner engage in subterranean operation knowing that he is liable to injure the waters beneath his land which supply his neighbor's well, and such injury can be prevented by a reasonable outlay, his failure to use the proper preventative means negligence, and he is liable for damages resulting therefrom. 131 Pa. St. 143.

Ownership of land under stream: The fee of the land under the waters of rivers, as far as the middle thread, is in the riparian owners. 114 Mich. 165.

CHAPTER 31.

Weeds, Thistles, Etc., Destruction of.

I. Railroads to cut and destroy noxious weeds, etc.
II. Gravel and plank road companies to cut and destroy weeds.
III. Canada Thistles to be cut on land and highway.
IV. Milkweed to be cut on land and highway.
V. Commission for destruction of noxious weeds; duties, etc.

I. Railroads to Cut Noxious Weeds, Etc.

All railroad corporations doing business in this state shall, each year, between the fifteenth day of June and the first day of July, and again between the fifteenth day of August and the first day of September, cause all noxious weeds growing upon lands occupied by them in any city or village or organized township in this state to be cut down and destroyed. [5707.]

Company liable for expense on neglect or refusal: In case any railroad company shall refuse or neglect to comply with the requirements specified in the first section of this act, then it shall be lawful for any highway officer to cut said obnoxious weeds, between the first and fifth days of July, inclusive, and between the first and fifth days of September, inclusive, in each year, at the expense of the corporation on whose lands said noxious weeds shall be so cut, at the rate of three dollars per day for the time necessarily occupied in cutting, to be recovered in any court of competent jurisdiction in this state. [5708.]

II Gravel and Plank Road Companies to Cut and Destroy Weeds.

When must cut noxious weeds: All gravel or plank road companies doing business in this state shall, between the fifteenth day of June and the first day of July, and again between the fifteenth day of August and the first day of September in each year, cause all noxious weeds growing on the lands occupied by them in any village or organized township of this state, to be cut down and destroyed. [5709.]

Penalty for neglect to cut, etc.: how suit brought, etc.: In case any gravel or plank road company shall refuse or neglect to comply with the requirements specified in the first section of this act, it shall be liable in a penalty of twenty-five dollars, to be prosecuted for in action of debt by any person feeling himself aggrieved. Said suit may be brought before any justice of the peace of the county, who shall require of the complainant surety to pay the costs in case he fails

to maintain his action. Summons may be served on any agent or officer of the company. [5710.]

When highway officers to cut etc.; charges for, etc.: In case any such gravel or plank road company shall refuse or neglect to comply with the requirements specified in the first section of this act, then it shall be lawful for any highway officer or commissioner to cut or cause to be cut said noxious weeds, between the first and fifth days of July, inclusive, and between the first and fifth days of September, inclusive, in each year, at the expense of the corporation on whose lands said noxious weeds shall be cut, at the rate of three dollars per day for the time necessarily occupied in cutting, to be recovered in any court of competent jurisdiction in this state. [5711.]

III. Canada Thistles to be Cut on Land and Highway.

Owner or occupant to cut down thistles; penalty for suffering them to grow: It shall be the duty of every owner, possessor or occupier of land, to cut, or cause to be cut down, all the Canada thistles growing thereon, or on the highway passing by or through the same, so often in each and every year as shall be sufficient to prevent them going to seed; and if any owner, possessor or occupier of land shall, knowingly, suffer any such Canada thistles to grow thereon, and the seed to ripen, so as to cause or endanger the spread thereof, he shall, on conviction, be liable to a fine of ten dollars for every such offence. [5712.]

Duty of overseers of highways; to notify owner of land to cut down Canada thistles: It shall be the duty of the overseer of highways in any township to see that the provisions of this act shall be carried out within their respective highway districts, and they shall give notice to the owner, possessor, occupier of any land within said district whereon Canada thistles shall be growing and in danger of going to seed, requiring him to cause the same to be cut down within five days from the service of such notice, and in case such owner, possessor or occupier shall refuse or neglect to cut down the said Canada thistles, the overseer of highways shall enter upon the land and cause all such Canada thistles to be cut down with as little damage to growing crops as may be, and he shall not be liable to be sued in any action of trespass therefor: Provided, That when such Canada thistles are growing upon non-resident lands it shall not be necessary to give notice before proceeding to cut down the same. [5713.]

To keep account of expenses incurred; township boards to audit: claim for expense: Each overseer of highways shall keep an accurate account of the expenses incurred by him in carrying out the provisions of the preceding section of this act with respect to each parcel of land entered upon therefor, and shall offer a statement of such expense, describing by its legal description the land entered upon, and

verified by oath to the owner, possessor, or occupier of such resident lands requiring him to pay the amount; in case such owner, possessor or occupier shall refuse or neglect to pay the same within thirty days after such application, said claim shall be presented to the township board of the township in which such expense was incurred, and said township board is hereby authorized and required to audit and allow such claim, and order the same to be paid from the fund for general township purposes of said township out of any moneys in the township treasury not otherwise appropriated, the said overseer of highways shall also present to the said township board a similar statement of the expense incurred by him in carrying out the provisions of said section upon any non-resident land, and the said township board is hereby authorized and required to audit and allow the same in like manner. [5714.]

Expenses paid to be levied on lands: The supervisor of the township shall cause all such expenditures as have been so paid from the township treasury under the provisions of this act, to be severally levied on the lands so described in the statement of the overseer of highways and to be collected in the same manner as delinquent highway taxes are collected, and the same when collected shall be paid into the township treasury to re-imburse the outlay therefrom aforesaid. [5715.]

Penalty for selling seed among which there is seed of thistle: Any person who shall knowingly vend any grass or other seed, among which there is any seed of the Canada thistle, shall, for every such offence, upon conviction, be liable to a fine of twenty dollars. [5716.]

Duty of prosecuting attorney: It shall be the duty of the prosecuting attorney of the county to prosecute all violations of the provisions of this act which shall come to his knowledge. [5717.]

Penalty for neglect to discharge duties: Every overseer of highways who shall refuse or neglect to discharge the duties imposed on him by the provisions of this act shall be liable to a fine of twenty-five dollars: Provided, That the provisions of this act shall be published in pamphlet form, and ten copies thereof forwarded to the supervisor of each township in this state. [5718.]

IV. Milkweed to be Cut on Land and Highway.

Milkweed to be cut by owner, etc.: It shall be the duty of every owner, occupant or person having charge of lands in this state, to cut down, or cause to be cut down, all milkweeds, asclepias cornutus, growing thereon, or on land between the center of any highway and said lands, or in any highway passing through the same, in each and every year so often as shall be sufficient to prevent said milkweed going to seed; and if any owner, occupant or person having charge of such land shall knowingly suffer any such milkweed to grow thereon, and the same to ripen so as to cause or endanger the spreading thereof, he shall, on conviction, be punished by a fine of ten dollars, together with

the costs of prosecution, and in default of payment of the same be imprisoned in the county jail of the county where the land is situated, for a period not exceeding twenty days. [5719.]

Overseer of highways to enforce this act; duty in case of refusal, etc.: When any overseer of highways shall have knowledge or information that milkweed is growing upon any lands in his highway district, contrary to the provisions of this act, he shall see to it that the provisions of this act are carried out within his highway district and he shall give a written notice to the owner, occupant or person having charge of such lands, describing the same by their legal subdivisions, within his highway district whereon milkweed shall be growing and in danger of going to seed, requiring him to cause the same to be cut down within five days from the service of such notice, and in case such owner, occupant or person having charge of said lands shall refuse or neglect to cut or cause to be cut down the said milkweed, the overseer of highways shall enter upon the lands where said milkweed is growing and cause all such milkweed to be cut down and destroyed, doing as little damage as may be while in the performance of such duty, and the said overseer of highways shall not be liable for so entering upon said lands for the purpose of performing such duty except for any actual damage to the crops growing thereon, which shall result from his willful and unlawful act or gross negligence: Provided, That when such milkweed is found growing upon non-resident lands and no one to the knowledge or information of said overseer of highways shall have charge thereof it shall not be necessary to give notice before proceeding to cut down such milkweed. [5720.]

Compensation of overseer, etc.: Each overseer of highways shall keep an accurate account of the expenses incurred and time employed by him in carrying out the provisions of section two of this act with respect to each parcel of land so entered upon, and for the time so employed he shall be entitled to charge at the rate of one dollar and fifty cents per day and seventy-five cents for each half day by him actually and necessarily employed while performing said duty, and when said duty shall have been performed in the destruction of milkweed growing on resident lands, or on lands in the charge of any person known to said overseer of highways he shall present a statement duly verified of such charges, describing the land whereon the same were incurred by its legal description, to the owner, occupant or custodian, and demand of him payment therefor. When any overseer of highways shall incur any expense or employ any time in the destruction of milkweed found growing on non-resident lands as provided in section two of this act, he shall make out a complete statement showing such expenses and time employed, and for which time employed he may charge at the same rate as for duties performed relative to resident lands, and shall file such statement with the township clerk as hereinafter provided. [5721.]

In case of neglect or refusal to pay, etc.; duty of township boards: In case the owner, occupant or custodian of any lands shall neglect or refuse for the space of thirty days to pay the charges of such overseer as specified in section three of this act, it shall be the duty of said overseer of highways to file such statement of charges with the township clerk of the township wherein such charges were incurred five days before the last Saturday of September of each year, and he shall also file within the same time with the said township clerk the aforesaid statements of charges incurred relative to all non-resident lands in his highway district. On the said last Saturday of September it shall be the duty of the township boards of the several townships of this state, with township clerk of which any statement of charges provided for in this act shall have been filed, to meet at the township clerk's office at the hour of ten o'clock in the forenoon for the purpose of auditing and allowing said charges. Said meeting shall be called by the township clerk by written notice served on each member of the board three days before the date fixed for said meeting. When such meeting of said township board shall have been called by the township clerk as aforesaid, it shall be the duty of said township board to meet as herein provided and audit all claims for charges found on file with the said township clerk, and at which meeting it shall be the right of all parties interested therein to appear before said board and be heard with reference to the legality and amount of such charges. [5722.]

How claims paid: The amount of all claims for charges in this act provided for, which shall be audited and allowed by any township board, shall be paid to the several overseers of highways entitled thereto from the township treasury in the same manner as other charges allowed against townships are paid. [5723.]

Clerk to make statement of claims, etc.: The township clerk, after the allowance, shall make a statement of all such claims as have been so allowed under the provisions of this act, with a description of the lands relative to which such charges have been allowed, to the supervisor of the township who shall cause the several amounts so allowed to be levied on the lands so described in a separate column in the tax roll of his township, and which taxes so spread shall, in all respects, be collected or returned in the same manner as other taxes assessed upon real estate are collected or returned, and when the same are collected they shall be paid into the treasury of the township for the purpose of re-imbursing such township for any expenses which may have been incurred in carrying out the provisions of this act. [5724.]

Penalty for selling milkweed seed, etc.: Any person who shall knowingly sell any grass or other seed among which there is any seed of milkweed shall, for every such offense, upon conviction thereof, be punished by a fine not exceeding ten dollars, together with the costs of prosecution, and in default of the payment thereof be imprisoned in the county jail for a period not exceeding ten days. [5725.]

Penalty on overseer for neglect, etc.: Every overseer of highways who shall refuse or neglect to discharge the duties imposed on him by the provisions of this act shall be punished by a fine of ten dollars, together with the costs of prosecution, and in default of the payment thereof be imprisoned in the county jail for a period of ten days. [5726.]

V. Commissioner for Destruction of Noxious Weeds; Duties of.

Commissioner appointed when: In any township, village or city in this state the township board, village or city council on or before the first day of May of each year may appoint a commissioner known as a commissioner for the destruction of noxious weeds who shall hold office during the pleasure of said township board, village or city council and such order of appointment and of revocation shall be entered at large upon the township or city records. [3499.]

Duty of owners or occupants of lands: It shall be the duty of every owner, occupant or person having charge of lands, in this state, to cut down or cause to be cut down all Canada thistles, milkweed or other noxious weeds growing thereon, or on lands between the center of any highway passing through the same, in each and every year so often as shall be sufficient to prevent said Canada thistles, milkweed or other noxious weeds going to seed; and if any owner, occupant or person having charge of such lands shall knowingly suffer any such Canada thistles, milkweed or other noxious weeds to grow thereon, and the same to ripen so as to cause or endanger the spread thereon, he shall, on conviction, be punished by a fine of ten dollars, together with the costs of prosecution, and in default of payment of the same be imprisoned in the county jail of the county where the land is situated for a period not exceeding twenty days. [3500.]

Duty of commissioner; may enter upon lands; proviso as to non-resident lands: When the commissioner shall have knowledge or information that Canada thistles, milkweed or other noxious weeds are growing upon any lands in his township contrary to the provisions of this act, he shall see to it that the provisions of this act are carried out within his township and he shall give a written notice to the owner, occupant or person having charge of such lands describing the same by their legal subdivisions within his township whereon Canada thistles, milkweed or other noxious weeds shall be growing and in danger of going to seed, requiring him to cause the same to be cut down within five days from the service of such notice, and in case such owner, occupant or person having charge of said lands shall refuse or neglect to cut or cause to be cut down the said Canada thistles, milkweed or other noxious weeds, the commissioner shall enter upon the lands where said Canada thistles, milkweed or other noxious weeds are growing and cause all such Canada thistles, milkweed or other nox-

ious weeds to be cut down and destroyed, doing as little damage as may be while in performance of such duty, and the said commissioner shall not be liable for so entering upon said lands for the purpose of performing such duty except for any actual damage to the crops growing thereon which shall result from his wilful and unlawful act or gross negligence: Provided, That when such Canada thistles, milkweed or other noxious weeds are found growing upon non-resident lands, and no one to the knowledge or information of said commissioner shall have charge thereof, it shall not be necessary to give notice before proceding to cut down said Canada thistles, milkweed or other noxious weeds. [3501.]

Compensation of commissioner; occupant of lands liable for compensation: The commissioner shall keep an accurate account of the expenses incurred, and time employed by him in carrying out the provisions of section three of this act with respect to each parcel of land so entered upon and for the time so employed he shall be entitled to charge at the rate of one dollar and fifty per day, and one dollar for each one half day by him actually and necessarily employed while performing said duty, and when said duty shall have been performed in the destruction of Canada thistles, milkweed and other noxious weeds growing on resident lands or on lands in the charge of any person known to said commissioner he shall present a statement duly verified of such charges describing the land whereon the same were incurred by its legal description to the owner, occupant or custodian and demand of him payment therefor. When the commissioner shall incur any expense or employ any time in the destruction of Canada thistles, milkweed or other noxious weeds found growing on non-resident lands as provided in section three of this act he shall make out a complete statement showing such expenses and time employed and for which time employed he may charge at the same rate as for duties performed relative to resident lands, and shall file such statement with the township clerk as hereinafter provided. [3502.]

When owner refuses to pay, etc.: In case the owner, occupant or custodian of any lands shall neglect or refuse for the space of thirty days to pay the charges of such commissioner as specified in section four of this act it shall be the duty of said commissioner to file such statement of charges with the township clerk of the township wherein such charges were incurred, five days before the last Saturday of September of each year, and he shall also file within the same time with the said township clerk the aforesaid statement of charges incurred relative to all non-resident lands in his township. On the said last Saturday of September it shall be the duty of the township boards of the several townships of this state with township clerk of which, any statement of charges provided for in this act shall have been filed, to meet at the township clerk's office at the hour of two o'clock in the afternoon for the purpose of auditing and allowing said charges. Said meeting shall be called by the township clerk by written notice served on each member

of said board three days before the date fixed for said meeting. When such township board shall have met pursuant to the call of the township clerk as aforesaid, it shall be the duty of said township board to audit all claims for charges found on file with the township clerk and at which meeting it shall be the right of all parties interested therein to appear before said board and be heard with reference to the legality and amount of such charges. [3503.]

Claims to be paid: The amount of all claims for charges in this act provided for which shall be audited and allowed by any township board, shall be paid to the said commissioner from the township treasury in the same manner as other charges allowed against townships are paid. [3504.]

To be spread on tax rolls: The township clerk after said allowance shall make a statement of all such claims as have been so allowed under the provisions of this act with a description of the land relative to which such charges have been allowed to the supervisor of the township who shall cause the several amounts so allowed to be levied on the lands so described in a separate column in the tax roll of his township, and which taxes so spread shall in all respects be collected or returned in the same manner as other taxes assessed upon real estate are collected or returned and when the same are collected they shall be paid into the treasury of the township for the purpose of re-imbursing such township for any expenses which may have been incurred in carrying out the provisions of this act. [3505.]

Penalty for neglect by commissioner: Any commissioner who shall neglect or refuse to discharge the duties imposed upon him by the provisions of this act shall be punished by a fine of ten dollars together with the costs of prosecution and in the default of payment thereof be imprisoned in the county jail for a period of ten days. [3506.]

Duty of railroad companies: All railroad corporations doing business in this state shall, each year, between the fifteenth day of June and the first day of July, and again between the tenth day of August and the first day of September, and at any time during the year so often as shall be sufficient to prevent Canada thistles, milkweed or other noxious weeds going to seed, cause all Canada thistles, milkweed or other noxious weeds growing upon lands occupied by them in any city, village or organized township in this state to be cut down and destroyed. [3507.]

Commissioner to cut weeds on railroad lands: In case any railroad company shall refuse or neglect to comply with the requirements specified in the second section of this act, then it shall be lawful for said commissioner to cut said Canada thistles, milkweed or other noxious weeds between the first and fifth days of July, inclusive, and between the first and fifth days of September, inclusive, in each year or so often as shall be sufficient to prevent said Canada thistles, milkweed or other noxious weeds going to seed to endanger the spread thereof, at the

expense of the corporation on whose lands said Canada thistles, milkweed or other noxious weeds shall be so cut, at the rate of three dollars per day for the time necessarily occupied in cutting, to be recovered in any court of competent jurisdiction in this state. [3508.]

Gravel and plank road companies: All gravel or plank road companies doing business in this state shall, between the fifteenth day of June and the first day of July, and again between the fifteenth day of August and the first day of September in each year, cause all Canada thistles, milkweed or other noxious weeds growing on lands occupied by them in any village or organized township of this state, to be cut down and destroyed. [3509.]

Suit may be brought; when: In case any [gravel or] plank road company shall refuse or neglect to comply with the requirements specified in the second section of this act, it shall be liable in a penalty of twenty-five dollars, to be prosecuted for in action of debt by any person feeling himself aggrieved. Suit may be brought before any justice of the peace of the county, who shall require of the complainant surety to pay costs in case he fails to maintain his action. Summons may be served on any agent or officer of the company: Provided, That if above named action be brought by said commissioner as provided for in section one of this act he shall not be required to give surety for costs for prosecution but shall bring such action by the consent of the township board of his township. [3510.]

Proceedings on refusal or neglect: In case any gravel or plank road company shall refuse or neglect to comply with the requirements specified in the second section of this act, then it shall be lawful for any commissioner to cut or cause to be cut said Canada thistles, milkweed or other noxious weeds between the first and fifth day of July, inclusive, and between the first and fifth days of September, inclusive, in each year, or so often as shall be sufficient to prevent said Canada thistles, milkweed or other noxious weeds going to seed to endanger the spread thereof, at the expense of the corporation on whose lands said Canada thistles, milkweed or other noxious weeds shall be cut, at the rate of three dollars per day for the time necessarily occupied in cutting, to be recovered in any court of competent jurisdiction in this state. [3511.]

CHAPTER 32.

Weights and Measures.

I. Weights and measures, generally.
II. Standard, half-bushel.
III. Weight per bushel of grain, seed, vegetables, coal, etc.
IV. Lime, weight of bushel, etc.
V. Apples, weight per bushel.
VI. Live and dressed stock, fowls, etc., produce, etc.; weighing and accounting of.
VII. Peach baskets; size, etc.
VIII. Barrels for fruits, roots, vegetables, etc., size.
IX. Penalties for short measures.
X. Peach and other fruit baskets and packages. Capacity to be marked by manufacturer.

I. Weights and Measures Generally.

Standard of weights and measures: The weights and measures, together with the scales and beams, and those made in conformity therewith, which are now, or may hereafter be deposited in the treasury of this state, shall be preserved by the treasurer, and be the public standards. [4882.]

State sealer of weights and measures: The treasurer of the state shall be the state sealer of weights and measures, and he shall have and keep a seal, which shall be so formed as to impress the letter "M." upon the weights and measures, and scales and beams, to be sealed by him, with which he shall seal all such authorized public standards of weights and measures, and all the weights and measures, and scales and beams to be provided by the several counties, when examined by said treasurer, and found to be in conformity with the standard weights and measures, and scales and beams aforesaid. [4883.]

Supervisor to procure standard from state sealer, etc.: The board of supervisors of each county for which the same have not already been obtained, shall procure, for the use and at the expense of their county, a complete set of weights and measures, and scales and beams, in exact conformity with those remaining in the state treasury; except that the same may be made of such suitable materials as the supervisors may direct, which shall be tried and proved by the said treasurer, and be by him sealed and certified. [4884.]

County standard to be deposited with clerk: When so sealed and certified, such weights and measures, scales and beams, shall be deposited with the county clerk, who shall be the sealer of weights and measures for the county, and the same shall be kept by him as the

standard of weights and measures for the county; and the said clerk shall also provide and keep a seal similar to the seal required to be kept by the state treasurer, with which he shall seal the weights and measures, and scales and beams, to be provided by the several townships. [4885.]

County standard to be tested once in five years: Once in every five years from the first day of January, eighteen hundred and forty-five, each county clerk for the time being shall cause the said standards in his keeping to be tried, proved and sealed by the state standards, under the direction of the state treasurer. [4886.]

When county standard to be procured by treasurer: If the board of supervisors of any county which has not heretofore provided such standards, shall neglect for six months to provide the same, and cause them to be tried and proved, and sealed as aforesaid, and delivered to the clerk of the county, it shall be the duty of the clerk to notify the county treasurer of such neglect, and such county treasurer shall immediately provide such standards, and cause the same to be tried, proved, sealed and deposited as aforesaid, at the expense of his county. [4887.]

Standard for township: The township board of each township shall procure to be made and provided, when it shall not heretofore have been done, for the use, and at the expense of the township, a complete set of weights and measures, and scales and beams, in conformity with the standards kept by the clerk of the county, which shall be tried, proved and sealed, and certified by the county clerk, by the standards remaining in his office, and such weights and measures, scales and beams, so tried, sealed and certified, shall be delivered to and kept by the clerk of the township, as standards for the township; such township standards to be made of such suitable materials as the township board shall direct; and the said board shall also provide a seal similar to the state seal, to be kept by the township clerk. [4888.]

Township clerk sealer: The township clerk of each township shall be the sealer of weights and measures therein, and shall have the care and custody of the standard weights and measures of his township, and shall seal weights and measures, scales and beams, used within his township, after having tried and proved them by the township standards. [4889.]

Same: The clerk of each township shall, once in each year, some time in the month of April, put up a written notice in three of the most public places in the township, stating therein the time and place when and where he will attend such of the inhabitants as live within the limits described in the several notices aforesaid, and seal all such of their great and small scales, beams, weights and measures, as are found to be accurate, and as they shall bring for that purpose. [4890.]

Compensation of township clerk as sealer: The township clerk shall be entitled to demand and receive from the person for whom the service is rendered, for trying, proving, and sealing as aforesaid, three

cents for each scale, beam, weight or measure found not to be conformable thereto, and two cents for each scale, beam, weight or measure found to be conformable thereto. [4891.]

Township clerk to go to stores, etc., and try weights and measures: The township clerk shall go, once in every year, to the houses, stores and shops of such merchants, traders, retailers of spirituous liquors, and of such other of the inhabitants of the township using scales, beams, weights and measures, for the purpose of buying and selling, as shall neglect to bring or send in their scales, beams, weights and measures, and he shall there try, prove, and seal the same. [4892.]

Double fees; when to be paid: For the services required in the last preceding section, the township clerk shall be entitled to demand and receive of such merchants, or other persons, double the fees hereinbefore provided for the like services, together with four cents for every mile he shall necessarily travel for that purpose, going out and returning home. [4893.]

Fees of county clerk, for sealing, etc.: The county clerk shall be entitled to receive from each township clerk a fee of three cents, for the first sealing of every weight, measure, scale, or beam, and two cents for every subsequent sealing of the same. [4894.]

Township clerk to procure standard: If the township board of any township, after notice to them that the standard of weights and measures for the county have been deposited with the county clerk, shall neglect, for the space of six months, to provide standard weights and measures for their township, as above directed, it shall be the duty of the township clerk forthwith thereafter to procure the same at the expense of the township. [4895.]

Penalty for neglect, etc.: If any sealer of weights and measures shall neglect to perform his duty, as prescribed in this chapter, he shall forfeit, for each neglect, the sum of five dollars. [4896.]

Vibrating steelyards to be proved annually: The vibrating steelyards, which have heretofore been allowed and used in this state, may continue to be used; but each beam, and the poises thereof, shall be annually tried, proved, and sealed, by a sealer of weights and measures, like other beams and weights. [4897.]

Meaning of terms: When any commodity shall be sold by the hundred weight, it shall be understood to mean the net weight of one hundred pounds avoirdupois, and all contracts concerning goods or commodities sold by weight, shall be construed accordingly, unless such construction would be manifestly inconsistent with the special agreement of the parties contracting. [4898.]

II. Standard, Half-Bushel.

Measure of fruits, etc.; of charcoal: The half bushel and the parts thereof shall be the standard measure for fruits and other com-

modities customarily sold by heaped measure; and in measuring such commodities the half bushel or other smaller measure shall be heaped as high as may be, without special effort or design; and the standard measure of charcoal shall be twenty-seven hundred and forty-eight cubic inches for each and every bushel thereof. [4899.]

III. Weight Per Bushel of Grain, Seed, Vegetables, Coal, Etc.

Weight per bushel of grain, dried fruit, coal, vegetables, etc.: Whenever wheat, rye, shelled corn, corn on the cob, corn meal, oats, buckwheat, beans, clover seed, timothy seed, flax seed, hemp seed, millet seed, blue grass seed, red top seed, barley, dried apples, dried peaches, potatoes, potatoes (sweet), onions, turnips, peas, cranberries, dried plums, castor beans, salt, mineral coal, Hungarian grass seed, orchard grass seed, osage orange seed, shall be sold by the bushel, and no special agreement as to the measure or weight thereof shall be made by the parties, the measure thereof shall be ascertained by weight, and shall be computed as follows, viz:

Sixty pounds for a bushel of wheat.
Fifty-six pounds for a bushel of rye;
Fifty-six pounds for a bushel of shelled corn;
Seventy pounds for a bushel of corn on the cob;
Fifty pounds for a bushel of corn meal;
Thirty-two pounds for a bushel of oats;
Forty-eight pounds for a bushel of buckwheat;
Sixty pounds for a bushel of beans;
Sixty pounds for a bushel of clover seed;
Forty-five pounds for a bushel of timothy seed;
Fifty-six pounds for a bushed of flax seed;
Forty-four pounds for a bushel of hemp seed;
Fifty pounds for a bushel of millet or Hungarian grass seed;
Fourteen pounds for a bushel of blue grass seed;
Fourteen pounds for a bushel of red top seed;
Forty-eight pounds for a bushel of barley;
Twenty-two pounds for a bushel of dried apples;
Twenty-eight pounds for a bushel of dried peaches;
Sixty pounds for a bushel of potatoes;
Fifty-six pounds for a bushel of sweet potatoes;
Fifty-four pounds for a bushel of onions;
Fifty-eight pounds for bushel of turnips;
Sixty pounds for a bushel of peas;
Forty pounds for a bushel of cranberries;
Twenty-eight pounds for a bushel of dried plums;
Forty-six pounds for a bushel of castor beans;
Fifty-six pounds for a bushel of Michigan salt;
Eighty pounds for a bushel of mineral coal;

Fourteen pounds for a bushel of orchard grass seed;
Thirty-three pounds for a bushel of osage orange seed.

[4900.]

IV. Weight of Lime.

Weight of lime: Whenever stone-lime is sold, and no special agreement is made by the parties, the bushel shall consist of seventy pounds. [4901.]

V. Apples; Weight per Bushel.

Whenever apples are bought or sold by weight, forty-eight pounds shall constitute a bushel. [4902.]

VI. Live and Dressed Stock, Fowls, Etc., Produce, Etc.; Weighing and Accounting of.

Duty of persons weighing cattle, etc.: Every person who shall weigh for any person purchasing, or selling, or offering for sale, any live stock, neat cattle, sheep, swine, poultry, or other live animals, or any beef, pork, mutton, fowls, or other animals when dressed, or any hay, grain, or produce, shall make a true and correct weight or weights thereof, and give to the purchaser and seller, or person offering the same for sale, when requested, the true, full, correct, and gross amount of any and all such weights. [4903; Sec. 1 of Act.]

Penalty for violation: Every person who shall willfully violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding fifty dollars, or by imprisonment in the county jail not exceeding three months, or by both such fine and imprisonment, in the discretion of the court. [4904; Sec. 2 of Act.]

VII. Peach Baskets; Size, Etc.

The quantity known as a box or basket of peaches shall contain seven hundred and sixteen and four-fifths cubic inches, or one-third of a bushel strict measure. [4905]

VIII. Barrels for Fruits, Roots and Vegetables, Etc.; size.

The quantity known as a barrel of fruit, roots, or vegetables shall be that quantity contained in a barrel made from staves twenty-seven inches in length, and each head sixteen and one-half inches in diameter, or ordinary flour barrel size. [4906.]

IX. Penalties for Short Measures.

Fruits, etc., not to be sold in less quantity than represented: When any person, or persons, party or parties, shall offer for sale or sell in any

township, village, or city, within this state, any fruits or vegetables contained in drawers or cases, boxes or caskets, represented to hold one bushel or any fractional part thereof, said drawers, boxes, cases or baskets, shall be of the dimensions to hold, and shall hold the quantity offered for sale or sold, whether by the bushel of thirty-two quarts or any fractional part thereof. [4907.]

Penalty for violation: Any person or persons violating the provisions of the foregoing section, upon conviction before any court of competent jurisdiction, shall be liable to a fine not less than five dollars nor more than twenty dollars, and imprisonment for a term not to exceed three months, or either or both, in the discretion of said court. [4908.]

X. Peach and Other Fruit Baskets and Package Capacity to be Marked by Manufacturer.

Fruit baskets to be marked as to number of pounds, by manufacturer: All manufacturers of peach baskets and other fruit packages designed for the shipment of peaches, grapes and plums, and all shippers and dealers in the same, shall mark or cause to be marked in a plain manner on the outside, otherwise than the bottom, of such baskets or packages, the capacity of each basket or package in pounds at the rate of one pound for each forty-three and eight-thousandths cubic inches of space contained in such basket or package. [4909, Sec. 1 of Act.]

Penalty for violation: Any manufacturer of or dealer in peach baskets, or other fruit packages designed for the shipment of peaches, grapes and plums, who shall sell or offer to sell such baskets or packages without complying with the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof in any court of competent jurisdiction, shall be fined not less than twenty-five dollars nor more than one hundred dollars, and stand committed to the county jail until such fine and costs are paid. [4910, Sec. 2 of Act.]

Weights and Measures of Certain Cereal Products, Etc.

[From Public Act No. 208 approved June 1, 1909.]

When mill products of wheat, corn, rye, or buckwheat, known as flour, grits, meal or compounds of the same, are placed or packed in barrels, fractional parts of a barrel or sacks to be sold or billed to any person or persons within this state, the standard weight or measure of a barrel or the fractional part thereof shall be as follows, viz:

One hundred and ninety-six pounds for a barrel;
Ninety eight pounds for one-half barrel;
Forty-nine pounds for one-quarter barrel;
Twenty-four and one-half pounds for one-eighth barrel;
Twelve and one-fourth pounds for one-sixteenth barrel;
Six and one-eighth pounds for one-thirty-second barrel.
The full and correct weights to be placed on barrel, etc.

CHAPTER 33.

Wills.

Who may devise lands; lands not disposed of by will: Every person of full age and sound mind being seized in his own right of any lands or of any right thereto, or entitled to any interest therein descendable to his heirs, may devise and dispose of the same by his last will and testament in writing, and all such estate not disposed of by the will, shall descend as the estate of an intestate, being chargeable in both cases with the payments of all his debts. [9262.]

Construction of devise: Every devise of land in any will hereafter made shall be construed to convey all the estate of the devisor therein which he could lawfully devise, unless it shall clearly appear by the will that the devisor intended to convey a less estate. [9263]

Estate in lands acquired after making will: Any estate, right or interest in lands acquired by the testator after the making of his will, shall pass thereby in like manner as if possessed at the time of making the will, if such shall manifestly appear by the will to have been the intention of the testator. [9264.]

Who may bequeath personal estate: Every person of full age and sound mind, may, by his last will and testament, in writing, bequeath and dispose of all his personal estate remaining at his decease, and all his rights thereto, and interest therein, and all such estate, not disposed of by the will, shall be administered as intestate estate. [9265.]

How wills to be executed: No will made within this state except such nun-cupative wills as are mentioned in the following section, shall be effectual to pass any estate, whether real or personal, nor to charge or in any way affect the same, unless it be in writing, and signed by the testator, or by some person in his presence, and by his express direction, and attested and subscribed in the presence of the testator by two or more competent witnesses; and if the witnesses are competent at the time of attesting the execution of the will, their subsequent incompetency, from whatever cause it may arise, shall not prevent the probate and allowance of the will, if it be otherwise satisfactorily proved. [9266.]

Nuncupative wills: Nothing contained herein shall affect the validity of a nuncupative will, in which the value of the estate bequeathed shall not exceed three hundred dollars, provided the same shall be proved by two competent witnesses; nor to prevent any soldier, being in actual military service, nor any mariner, being on ship-board, from disposing of his wages and other personal estate by nuncupative will, as he might heretofore have done. [9267.]

When legacy, etc., to subscribing witness void: All beneficial devices, legacies and gifts whatsoever, made or given in any will to a subscribing witness thereto, shall be wholly void, unless there be two other competent subscribing witnesses to the same; but a mere charge on the lands of the devisor for the payment of debts, shall not prevent his creditors from being competent witnesses to his will. [9268.]

When share of estate to be saved to subscribing witness: But if such witness to whom any beneficial devise may have been made or given, would have been entitled to any share of the estate of the testator, in case the will was not established, then so much of the share that would have descended or been distributed to such witness as will not exceed the devise or bequest made to him in the will, shall be saved to him, and he may recover the same of the devises or legatees named in the will, in proportion to, and out of the parts devised or bequeathed to them. [9269.]

Revocation of wills: No will nor any part thereof shall be revoked, unless by burning, tearing, canceling or obliterating the same, with the intention of revoking it, by the testator, or by some person in his presence and by his direction; or by some other will or codicil in writing, executed as prescribed in this chapter; or by some other writing, signed, attested and subscribed in the manner provided in this chapter for the execution of a will; excepting only that nothing contained in this section shall prevent the revocation implied by law from subsequent changes in the condition or circumstances of the testator. [9270.]

Others having custody of will to deliver same within thirty days: Every person other than the judge of probate, having the custody of any will, shall, within thirty days after he has knowledge of the death of the testator, deliver the same into the probate court, which has jurisdiction of the case, or to the person named in the will as executor. [9274.]

Within what time executor to present will to probate court: Every person named as executor in any will, shall, within thirty days after the death of the testator, or within thirty days after he has knowledge that he is named executor, if he obtains such knowledge after the death of the testator, present such will to the probate court which has jurisdiction of the case, unless the will shall have been otherwise deposited with the judge of probate; and shall, within the period above mentioned, signify to the court his acceptance of the trust, or make known in writing to such court his refusal to accept it. [9275.]

Liability for neglect of duties in certain cases: Every person who shall neglect to perform any of the duties required in the two last preceding sections, without reasonable cause, shall be liable to each and every person interested in such will, in the sum of ten dollars damages for each and every month he shall so neglect, after the thirty days above mentioned, to be recovered in an action on the case, with cost. [9276.]

When person having custody of will may be committed for neg-

lect to deliver same to probate court: If any person, having the custody of any will, after the death of the testator, shall, without reasonable cause, neglect to deliver the same to the probate court having jurisdiction of it, after he shall have been duly notified by such court for that purpose, he may be committed to the jail of the county, by warrant issued by such court, and there be kept in close confinement until he shall deliver the will as above directed. [9277.]

When probate may be granted on testimony of one witness: If no person shall appear to contest the probate of a will at the time appointed for that purpose, the court may, in its discretion, grant probate thereof, on the testimony of one of the subscribing witnesses only, if such witness shall testify that such will was executed in all the particulars as required in this chapter, and that the testator was of a sound mind at the time of the execution thereof. [9279.]

When other witnesses may be admitted to prove will: If none of the subscribing witnesses shall reside in this state, at the time appointed for proving the will, the court may, in its discretion, admit the testimony of other witnesses to prove the sanity of the testator and the execution of the will, and, as evidence of the execution of the will, may admit proof of the handwriting of the testator and of the subscribing witnesses. [9280.]

Effect of proof and allowance of will in probate court: No will shall be effectual to pass either real or personal estate, unless it shall have been duly proved and allowed in the probate court as provided in this chapter, or on appeal, in the circuit court or supreme court; and the probate of a will of real or personal estate, as above mentioned, shall be conclusive as to its due execution. [9281.]

Provision for children born after making of will: When any child shall be born after the making of his father's will, and no provision shall be made therein for him, such child shall have the same share in the estate of the testator as if he had died intestate; and the share of such child shall be assigned to him as provided by law in case of intestate estates, unless it shall be apparent from the will that it was the intention of the testator that no provision should be made for such child. [9285.]

When provision for child omitted by mistake, etc.: When any testator shall omit to provide in his will for any of his children, or for the issue of any deceased child, and it shall appear that such omission was not intentional, but was made by mistake or accident, such child, or the issue of such child, shall have the same share in the estate of the testator as if he had died intestate, to be assigned as provided in the preceding section. [9286.]

From what estate provision to be taken: When any share of the estate of a testator shall be assigned to a child born after the making of a will, or to a child, or the issue of a child omitted in the will, as hereinbefore mentioned, the same shall first be taken from the estate

not disposed of by the will, if any; if that shall not be sufficient, so much as shall be necessary shall be taken from all the devisees or legatees, in proportion to the value of the estate they may respectively receive under the will, unless the obvious intention of the testator, in relation to some specific devise or bequest, or other provision in the will would thereby be defeated; in which case, such specific devise, legacy or provision may be exempted from such apportionment, and a different apportionment may be adopted, in the discretion of the probate court. [9287.]

When the issue of deceased legatee, etc., to take estate: When a devise or legacy shall be made to any child or other relation of the testator, and the devisee or legatee shall die before the testator, leaving issue who shall survive the testator, such issue shall take the estate so given by the will, in the same manner as the devisee or legatee would have done, if he had survived the testator, unless a different disposition shall be made or directed by the will. [9288.]

Estate of testator liable for payment of debts, etc.; allowance for maintenance of widow, etc.: All the estate of the testator, real and personal, shall be liable to be disposed of for the payment of his debts, and the expenses of administering his estate, and the probate court may make such reasonable allowance as may be judged necessary for the expenses of the maintenance of the widow and minor children, or either, constituting the family of the testator, out of his personal estate, or the income of his real estate, during the progress of the settlement of the estate, but never for a longer period than until their shares in the estate shall be assigned to them. [9289.]

When provision insufficient, etc.: If the provision made by the will, or the estate appropriated, shall not be sufficient to pay the debts, expenses of administration, and family expenses, such part of the estate, real or personal, as shall not have been disposed of by the will, if any, shall be appropriated according to the provisions of the law for that purpose. [9291.]

Estate given by will, liable to payment of debts, etc.; when certain devises, etc., to be exempted: The estate, real or personal, given by will to any devisees or legatees, shall be held liable to the payment of the debts, expenses of administration, and family expenses, in proportion to the amount of the several devises or legacies, except that specific devices and legacies, and the persons to whom they shall be made, may be exempted, if it shall appear to the court necessary, in order to carry into effect the intention of the testator, if there shall be other sufficient estate. [9292.]

Estates given by will, and liable for payment of debts, may be retained by executor until assigned: When the estate given by any will shall be liable for the payment of debts and expenses, as mentioned in the preceding section, or is laible to be taken to make up the share of a child born after the execution of the will, or of a child, or

of the issue of a child not provided for in the will as hereinbefore provided, the executor shall have a right to retain possession of the same, until such liability shall be settled by order of the probate court, and until the devises and legacies so liable shall be accordingly assigned by order of such court; and when the same can properly be done, any devisee, or legatee, may make his claim to such court, to have such liability settled, and his devise or legacy assigned to him. [9293.]

When devisee or legatee to hold subject to liability to contribute, etc.: All the devisees and legatees, who shall, with the consent of the executor or otherwise, have possession of the estate given to them by will before such liability shall be settled by the probate court, shall hold the same subject to the several liabilities mentioned in the preceding section, and shall be held to contribute according to their respective liabilities to the executor, or to any devisee or legatee from whom the estate devised to him may have been takn for the payment of debts or expenses, or to make up the share of a child born after the making of the will, or of a child or the issue of a child omitted in the will; and the persons who may, as heirs, have received the estate not disposed of by the will as provided in this chapter, shall be liable to contribute, in like manner as the devisees or legatees. [9294.]

Limitations as to deposition of personal property by will: All dispositions of personal property by last will and testament shall be subject to the following limitations and restrictions:

First, If the testator shall leave surviving him, a wife, the testamentary disposition shall be subject to the election of such wife, to take any interest that may be given to her, by the testator in his last will and testament; or in lieu thereof, to take the sum or share that would have passed to her, under the statute of distribution, had the testator died intestate, until the sum shall amount to five thousand dollars, and of the residue of the estate one-half the sum or share that would have passed to her, under the statute of distributions, had the testator died intestate, and in case no provision be made for her in said will, she shall be entitled to the election aforesaid;

Second, If by any will, any special devise or bequest is made to the wife in lieu of any particular thing or any particular interest, to which such wife might be entitled, in case of intestacy, the election by the wife to take the special devise or bequest, or the other particular thing or interest, in lieu of which it is given, shall not deprive the party electing, or any other person, of the right to leave the testamentary disposition of property in all other respects unaffected and unimpaired; and to have the benefit of any other provisions therein, the same as he or she would have had, if this act had not been passed. [9300.]

Election to take, to be in writing, and filed in court: The election to take otherwise than under the will, in any contingency above contemplated, shall be made in writing, and filed in the court in which

proceedings for the settlement of the estate are being taken, within one year from the probate of the will; and the failure to file such election within the time above provided shall be deemed an election to take under the will. [9301.]

For form of Wills see chapter on "Business Forms."

CHAPTER 34.

Business Forms.

I. Agreements — Contracts.
II. Affidavit.
III. Assignment.
IV. Bill of Sale.
V. Bonds.
VI. Bank Checks.
VII. Drafts.
VIII. Deeds, Mortgages and Leases.
IX. Guaranty.
X. Indorsements.
XI. Orders.
XII. Promissory Notes.
XIII. Receipts.
XIV. Wills.

I. AGREEMENTS.

General Form of Agreement for Ordinary Purposes.

Articles of agreement made and entered into this.....day of .....in the year 190.., by and between A B, party of the first part, and C D, party of the second part, witnesseth:

The said party of the first part doth hereby covenant and agree with the said party of the second part to do and perform the matters and things following, to-wit: (*Here state what the party of the first part is to do and perform*).

And the said party of the second part doth hereby covenant and agree with the said party of the first part in consideration of the agreement and stipulations above made and to be performed, that he will, upon the performance of said agreement by said party of the first part, (*Here state what the second party is to do or pay, and if to pay, state when and in what manner and amounts*).

In witness whereof, the said parties have hereunto set their hands the day and the year first above written.

A. B.
C. D.

Another General Form of Agreement.

WITH DAMAGES STIPULATED FOR NON-PERFORMANCE.

This agreement, made this.....day of.....A. D..... by and between.....of.....of the first part, and..... of.....of the second part.

Witnesseth, The said part....of the .....part covenant and agree to and with the part....of the.....part (*Here state what party of first part agrees to do.*)

And the said part....of the.....part covenant and agree to pay unto the said part....of the .....part, for the same, the sum of..... .....Dollars, lawful money of the United States, as follows: (*Here state manner of payment by party of the second part.*) with interest at the rate of.....per cent. per annum.

And for the true and faithful performance of all and every of the covenants and agreements above mentioned, the parties to these presents bind themselves, each unto the other, in the penal sum of.....Dollars, as fixed and settled damages to be paid by the failing party.

In witness whereof, the parties to these presents have hereunto set their hands and seals the day and year first above written.

Signed, sealed and delivered
in the presence of

——————————— ———————————[L. S.]

——————————— ———————————[L. S.]

Agreement for Employing Farm Laborer.

This agreement made and entered into this.....day of .....in the year 190.., by and between A B and C D, witnesseth:

The said A B hereby agrees to work faithfully for the said C D as a general laborer on the farm of said C D and to perform other labors in connection therewith for the period of.....consecutive months, beginning on the.....day of..... 190.., for the sum of dollars ($——.)

In consideration of said services to be performed, by said A B, the said C D hereby binds himself to pay the said A B the sum of .....dollars ($——.) in monthly installments of..... dollars ($——) each, at the end of each month of services performed under this agreement.

In witness whereof, the parties have hereunto set their hands the day and date first above written.

Witnesses: A. B.

C. D

Another Form for Same.

This agreement made and entered into this.....day of..... 190.., by and between A B of....., party of the first part, and C D of....., party of the second part, witnesseth:

The said party of the first part has this day agreed to enter into the service of said party of the second part, in the capacity of a general

farm laborer, for a period of.....months beginning on the..... day of....., 190.., for the sum of.....dollars ($....) and other considerations as the same are payable and set forth herein below.

The said party of the second part hereby agrees to take said party of the first part into service in said capacity and pay him therefor, the said sum of.....dollars ($....) in monthly installments of .....dollars ($....) at the end of each and every month of service performed until said term of service is completed. And the said party of the second part agrees, as further consideration for said service to be performed, to give the said party of the first part, boarding, lodging, washing, mending and all ordinary home conveniences (protracted sickness and expenses thereof excepted) at the dwelling house of said party of the second part, throughout said term of service.

It is hereby mutually agreed by and between said parties that twenty-six days' service shall constitute one month, and that said party of the first part shall be allowed for all time, present, (excepting Sundays) from the beginning of said term, excepting such days, if any, when he shall not work on account of ill health, etc. It is further and finally agreed by and between said parties, that either of said parties may terminate this agreement upon.....days' notice to the other and performance of the terms hereof until the expiration of said notice.

In witness whereof, the parties have hereunto set their hands on the day and date above written.

A. B.
C. D.

Employee's Contract.

GENERAL FORM.

Agreement, made between.....of.....of the first part, and.....of.....of the second part.

Witnesseth, that said first part.. hereby.....hire..and employ.. said second party in..business at.....in the capacity of..... and agree..to pay said second party, during the time that..he shall remain in such employment,.....dollars per week, all upon the terms and conditions of this agreement.

Said second party hereby agrees to and with said said first part.., that he will devote h....entire time,.skill, labor and attention to said employment, during the time for which..he may be so employed, at the wages aforesaid.

It is expressly provided and agreed between the parties hereto, that said first part.. may, at.....election,.....terminate said employment, at any time.....upon payment to said second party the amount that may be coming to h...., at the rate aforesaid, on the evening of the day of h....actual discharge.

Of the cause for discharge said first part..shall be the sole judge...

Any agreement or arrangement by which the said second party has been heretofore employed by said fisrt party is, in further consideration of the premises, cancelled, released and discharged at this date.

Dated the.....day of.....A. D.....

——————————[L. S.]

——————————[L. S.]

Agreement for Work and Labor of Any Kind.

This agreement made and entered into this.....day of..... in the year 190.., by and between A B of....., party of the first part, and C D of....., party of the second part, witnesseth:

The said party of the first part doth hereby covenant and agree with the said party of the second part to work and labor faithfully for the said party of the second part for the term of.....months, commencing on the.....day of....., in the year 190.., in business of....., and perform such other services and labor as the said party of the second part may reasonably require.

The said party of the second part hereby agrees to pay the said party of the first part for said term of service at the rate of..... dollars ($....) per month, in the following manner:

(*Here state times and conditions of payment.*)

It is hereby agreed further between said parties that either of them may put an end to this agreement and cease the relation of employer and employee, by giving the other.....days' notice, verbal or otherwise of such intention; but in such case the said party of the second part shall pay the said party of the first part for the time he may have worked at the rate above fixed.

In witness whereof, the said parties have hereunto set their hands the day and year above written.

A. B.

C. D.

Agreement with Farm-house Tenant and Laborer.

This agreement, witnesseth: That John Temple has this day become the house-tenant of James Squires by moving into the South house on said Squires' farm, for the use and rental of which house said Temple agrees to pay the sum of four dollars per month, all of which rental said Squires agrees to accept in the labor of said Temple, at the rate of One and one-half Dollars ($1.50) for each day's service rendered, and the said Temple agrees to give the said Squires first refusal of his service during harvesting season. And this agreement shall remain in effect until either of said parties shall terminate the same by giving the other sixty days' notice of such intention.

In witness whereof, the said parties have set their hands hereunto, on the 1st day of April, 1908.

JAMES SQUIRES.
JOHN TEMPLE.

Cultivation of Field for Share of Crop.

This agreement made and entered into, this.....day of..... 190.., by and between A B of....., party of the first part, and C D of....., party of the second part, witnesseth:

Said party of the first part has this day let unto said party of the second part, a certain twenty acre field to be planted and cultivated in corn this season, the rental rendered therefor to be the.....part of the crop raised on said field.

Said party of the second part agrees to furnish the seed and plant said field in corn, and cultivate the same in a good and proper manner, and to deliver and put in the cribs of said party of the first, part, the .....part of the crop raised on said field as rental therefor. One-half of the stocks are to be allowed to remain standing for the use and benefit of said party of the first part, and the said party of the second part may cut and remove the other half thereof for his own use and benefit, but shall not pasture the same in the ground. And said party of the second part agrees to put forth all reasonable efforts to have all of said corn husked and cribbed and his fodder removed on or before December 15, next ensuing.

In witness whereof, said parties have hereunto set their hands on the day and year first above written.

A. B.
C. D.

Contract for the Sale of Live Stock, Grain, Etc.

This agreement made this.....day of..... in the year 190.., by and between A B, of.....and C D, of.....witnesseth:

The said A B, for the consideration hereinafter mentioned, hereby sells and agrees to deliver on or about the.....day of .....next, to the said C D, at..... the following: (*Here describe the stock, or grain as the case may be, stating number of head, etc., or bushels and quality, etc.*)

In consideration for the above (*say grain or stock*) the said C D hereby agrees to pay to the said A B for the same, on delivery, at the rate of (*Here state number of dollars, price per hundred weight, or price per bushel, as the case may be.*)

In witness whereof, the parties have hereunto set their hands and seal the day and year above written.

A. B.
C. D.

Agreement for Building and Maintaining Line Fence.

MARSHALL, MICHIGAN, March 30th, 1908.

We, John Milford and George Swisher, being owners of adjoining lands in Clinton township, Calhoun county, Michigan, hereby agree, for the improvement of our respective properties, to remove the line fence which has heretofore existed between our said lands, and instead thereof, erect a fence of wires and iron posts. Said Milford agrees to erect and maintain the east half end of said fence, and said Swisher agrees to erect and maintain the west half end of said fence, the said fence to consist of seven strands of No. 8 wire, and posts five feet above the ground and twenty feet apart with stay-slats midway between the posts, and a light guard-board painted white to be hung to the top wire the whole length of said fence. The erection of said fence to be completed on or before May 1st, 1908.

JOHN MILFORD.
GEORGE SWISHER.

Agreement for the Opening and Maintenance of a Private Road.

Agreement made and entered into this first day of February, 1908, by and between A B, of....., party of the first part, and C D, of....., party of the second part, witnesseth:

Whereas, said parties are owners of adjoining lands between and along the common boundary line of which land both of said parties desire to make a road for use and convenience of themselves and their tenants in going in and out to the turnpike, therefore, said parties mutually agree as follows, to-wit:

That each of said parties will contribute for the opening of such road, a strip of land along said boundary line, ten (10) feet wide for a distance of one hundred and twenty (120) rods back from said .....turnpike, and that each of said parties will erect and maintain at his own expense, a good and sufficient fence along his own side of said road, made by the joining of said strips of land, and that said road shall remain for the joint use of both of said parties and their tenants until such time as said parties may mutually agree in writing to its discontinuance; that said road shall be opened and fenced in the month of April, 1908.

In witness whereof, said parties have hereunto set their hands on the day and year first above written.

A. B.
C. D.

Agreement for Joint Tile Underdrain.

Agreement made and entered into this 25th day of March, 1908, by and between H. L. Martin of————————, Michigan, and John Keenan of the same place, witnesseth:

Whereas, the said H. L. Martin is desirous of draining a portion of his land by carrying the water to the Maridam Road ditch through a tile underdrain across the land of the said John Keenan, and whereas, the said John Keenan will also be benefitted by such underdrain, therefore, said parties agree as follows, to-wit:

That said Martin may put in a tile underdrain across the land of said Keenan, said Martin to do all opening and filling of the ditch and furnish one-half of the tile used in crossing said Keenan's land, and said Keenan to furnish the other one-half of the tile used in crossing his own land. Said parties mutually agree that the tile used in said underdrain shall be hard-burned and six inches in diameter, and that each of said parties will have his portion of said tile on the ground ready for use by March 1st, 1908, and that the said Martin shall begin work on said underdrain on that date or as soon thereafter as the frost shall have left the ground, and shall prosecute the work without unnecessary delay until the said underdrain is completed.

If at any time in the future said parties shall mutually agree to discontinue said drain and said tile shall be taken up, then each party shall have one-half of the tile, providing he shall take them up at his own expense, but said underdrain shall not be interfered with nor taken up without the consent of both parties. All repairs of said drain shall be made by said Martin at his own expense, and said Martin shall have the right to enter upon the lands of said Keenan for the purpose of making repairs to said drain when the same are needed, or to take up his share of the said tile in case of abandonment of said underdrain.

H. L. Martin,
John Keenan.

Agreement for Private Crossing on Land of Another.

Cairo, Michigan, May 1st, 1908.

In consideration of the sum of ten dollars ($10.00) to me paid, the receipt of which sum I hereby acknowledge, I hereby give and grant to Wm. Wilkinson the right to cross my land on a direct line west from his present wagon gate to the river turnpike for the period of one year from this date, the width of said way not to exceed twenty (20) feet, and the said Wm. Wilkinson to erect and maintain a gate at the said turnpike; and I further give and grant unto the said Wm. Wilkinson the right to use said way while I am the owner of said land, so long

as he shall on the first day of each January hereafter make me a payment of ten dollars in advance.

In witness whereof, I have hereunto set my hand on the day and year first above written.

JOHN CARTWRIGHT.

Agreement for Sale of Standing Timber.

This agreement made and entered into this.....day of ....., 190.., by and between A B, of..... as vendor, for himself, his heirs, executors, and administrators, and C D of.....as purchaser for himself, his executors and administrators.

The said vendor in consideration of the sum of..... dollars ($.....), to be paid to him by the said purchaser, and of the agreement hereinafter contained, on the part of the said purchaser, does hereby sell unto the said purchaser all the timber and other trees standing, growing, and being on a certain tract of land situate in the township of.....county of.....state of..... .....and bounded and described as follows, to-wit:

(*Here give the description of the land by metes and bounds, if the same has been surveyed separately; if not surveyed, then describe it as so many acres located on a certain portion of the farm or tract, giving such distances, marks, etc., etc., as may be desirable to make the description reasonably certain and satisfactory to both parties*), and said vendor hereby assures and grants to said purchaser, free and full license and authority to enter upon said land with his servants and teams, and cut and work up said timber in such manner as he may desire, and to remove the same at such time as said purchaser may desire, provided, that all of said timber shall be cut and removed on or before the .....day of.....190..

The said purchaser hereby agrees to pay the said sum of..... .....dollars ($.....) for said timber, ... ($.....) dollars of which said purchaser has this day paid. The remainder, of.....dollars ($.....), it is mutually agreed shall be paid as follows:

(*Here state the conditions of further payment.*)

Said purchaser further agrees not to commit waste or damage on other lands, or to the fences of said vendor, and should such occur, said purchaser agrees to compensate said vendor therefor, at the time of the payment period next after such damage is incurred.

In witness whereof, the said parties have hereunto set their hands on the day and date first above written.

A. B.
C. D.

Another Form.

BILL OF SALE OF TIMBER.

Received, on the .....day of....., A. D. 190.., from (*Here write name of purchaser*).....Dollars, in consideration of which.....hereby sell and convey to said (*Name of purchaser*) so much of the timber (*Describe timber sold here*) now standing, growing or being on the following described land, in....County, State of Michigan, to-wit: (*Here describe location of the land upon which timber stands*) as..... shall remove therefrom prior to the.....day of....., A. D. 190.. hereby giving said (*Name of purchaser*) permission to enter upon said land and cut and remove said.....timber up to (*Same date as last mentioned*) A. D. 190.., but not thereafter, and all.....timber, or material made therefrom, remaining on said land after that date shall be and remain.....property.

It is a condition of this sale that the said (*Name of purchaser or seller, whoever is to pay the taxes*) shall pay all taxes on the above described lands.

It is distinctly understood that no timber other than (*Describe timber to be removed*) on the above described lands shall be cut, removed or destroyed.

(*Name of seller.*)

_____

_____

Agreement for Sale of Timber Lands.

This agreement, made this.....day of.....A. D. one thousand nine hundred and....., between..... of the first part, and.....of the second part,

Witnesseth, that the part..of the first part, at the request of the part.. of the second part, and in consideration of the money to be paid and the covenants as herein expressed to be performed by the part..of the second part, hereby agree..to sell to the part..of the scond part, all..... certain lot..and parcel..of land situate in the township of (*name of township*), in the County of (*name of county*), State of Michigan, known and distinguished as follows, to-wit: (*Here give a description of the land to be conveyed*) with all the privileges and appurtenances thereunto belonging, and to convey to said part..of the second part,.....by a good and sufficient deed in law, free from encumbrance, the above described tract.. of land, upon the full performance by the part..of the second part of the following conditions but not otherwise:

That is to say, First — That the part..of the second part hereby agree..to pay therefor the sum of.....dollars, of which sum

.....dollars is now paid to the part..of the first part, the receipt of which is hereby acknowledged; and further agree.. to pay the remainder in accordance with the tenor of.....certain promissory notes given by the part..of the second part to the part..of the first part, and bearing even date herewith, with interest at the rate of.....per cent. per annum on the amount unpaid, payable.....annually, to-wit:

One note for (*Here describe notes and times of payment.*)

But it is hereby agreed, that in case of default being made by said part..of the second part in any portion of the payments above mentioned, then all such payments, or portions thereof, so in default shall draw interest after maturity at the rate of seven per cent. per annum, payable semi-annually; all of said payments are to be made to the part..of the first part, or to.....authorized agent, at.....

Second — That the part.. of the second part shall, from time to time, and in due season, pay all the legal taxes which may hereafter become due on said premises; and in case there shall be on the first day of April in any year any taxes due and unpaid on said land, and the part..of the first part shall pay said taxes, the said part..of the second part hereby agree.. to refund, on or before the delivery of the deed, the taxes that may be so paid, with interest, together with.....dollars annually as compensation to the part..of the first part for attending to such payment.

That the part..of the second part shall pay each and every of the said promissory notes at the time they severally become due and payable, according to the tenor and effect thereof. And it is expressly stipulated and agreed that the time of the payment of said notes is of the essence of this agreement, and that if default in the payment of either of said notes at maturity shall be made, the said part..of the first part may, at .....option, at any time after the happening of such default and before receiving another payment, declare a forfeiture of the rights of the part..of the second part, under this agreement, either by notice to be given to the part..of the second part, or to any person who may be found in the possession or occupancy of said premises, or any part thereof, or by written notice to be deposited in any post office directed to the said part..of the second part, at.....in the County of..... and State of.....and thirty days after the time of giving or mailing such notice, all the rights of the part..of the second part under this agreement either at law or in equity, shall wholly and forever cease and determine (unless..... shall within said thirty days have paid all arrears that may then be due), and thereupon such of said notes as remain unpaid, shall (excepting as is hereinafter provided) be void, and shall be delivered up to the part.. of the second part on demand made by .....therefore, at the office of the part.. of the first part, in.....where the same are made payable; but the part.. of the

first part shall not be bound to refund any moneys which may been paid upon this agreement, or upon said notes.

Fourth—That the said part..of the second part shall not cut, or permit to be cut or carried away from said premises, any timber, wood or other material without the consent in writing of the part..of the first part thereto being first had and obtained.

And if the part..of the second part shall cut, or permit to be cut, any timber or wood upon said premises, or remove, or permit to be removed or carried away therefrom, any material, without the consent in writing of the part.. of the first part obtained as aforesaid, such act shall be deemed and taken to be a surrender of this agreement by.....and..... shall henceforth and forever absolutely forfeit all claim to deed of said land, and every part thereof, and to all improvements which.....may have been made thereon, and the part.. of the first part shall thereupon be wholly released, absolved and discharged from all liability or obligation to make the conveyance aforesaid, or to refund any of the moneys which may have been paid upon this agreement, or upon said notes; but said part.. of the first part shall be at liberty, and shall have full right to grant, bargain, sell and convey said premises, and every part thereof to any other person or persons, wholly released and discharged from all right and interest, claim and demand of the part.. of the second part therein and thereto, the same as though this agreement had not been made.

And if the part.. of the second part shall be or remain in the possession or occupancy of any portion of the above bargained premises after a violation of this agreement by the cutting of timber or wood thereon, or by the removal of materials therefrom, or after default in the payment of the said notes at maturity, or in any other of its conditions..... shall be deemed and taken to be.....trespasser.., and may be ejected from and put out of the possession or occupancy of the premises, either with or without process of law; and no notice whatever to the part.. of the second part shall be necessary to entitle the part.. of the first part to enter upon and take possession of said premises, and to sell and convey the same to any other person. And further, it is hereby understood and agreed, that in case of a violation of this agreement by the wrongful cutting of timber or wood, or the removing of materials, or any other violation of this contract as herein mentioned, the part.. of the second part shall also be liable to be proceeded against as...trespasser.., in the same manner and to the same extent and effect as provided by law in case of trespassers upon pine or other lands.

Fifth — It is hereby agreed, that this contract shall not, nor shall any portion or interest therein, be sold or assigned without the written consent of the part.. of the first part.

All the obligations, stipulations and conditions herein contained are

hereby declared to extend to, and be binding upon, the legal representatives and assigns of the parties respectively making the same.

In witness whereof, the said parties hereto have affixed their hands and seals at.....to this, together with one other contract of like tenor, on the day and year first above written.

Executed in presence of:

_____[L. S.]

_____[L. S.]

Contract for Sale of Land.

(SHORT FORM.)

This contract, made this.....day of.....in the year one thousand nine hundred and..... between (*Write name of vendor or seller here*) part.. of the first part, and (*Write name of vendee or purchaser here*) part.. of the second part.

Witnesseth, that the said part.. of the first part, in consideration of the sum of.....Dollars, to be to.....duly paid as hereinafter specified, hereby agree.. to sell and convey to the said part.. of the second part, all the following described land, situated in the ..... County of.....State of.....to-wit: (*Here give a correct description of the land sold and to be conveyed.*) for the said sum of.....Dollars, which the said part.. of the second part hereby agree..to pay to the said part.. of the first part, as follows: (*Here state how payments to be made*) with interest on all sums at any time unpaid hereon, at the rate of.....per cent. per annum, payable.....annually.

Said part.. of the second part also agree..to pay in due season all taxes and assessments, extraordinary as well as ordinary, that shall be taxed or assessed on said land, including the taxes thereon for the year 19.....

It is agreed by the parties hereto, that the said part.. of the first part, on receiving payment in full of the said principal and interest at the times and in the manner above mentioned, and of all other sums chargeable in.....favor hereon, shall and will, at.....own proper cost and expense, execute and deliver to the said part.. of the second part, a good and sufficient.....Deed of said above described land, free and clear of and from all liens and incumbrances, except such as may have accrued on said land subsequent to the date hereof, by or through the acts or negligence of said part.. of the second part .....

It is also agreed by the parties hereto, that said part.. of the second part shall have possession of said land, under this contract, on the.....

It is also agreed by the parties hereto, that if the said part.. of the second part shall fail to perform this contract, or any part of the same, the said part.. of the first part shall, immediately after such failure, have the right to declare this contract void, and to retain whatever may have been paid hereon, and all improvements that may have been made on said land, as stipulated damages for non-performance of this Contract, and may consider and treat said part.. of the second part as.....tenant..holding over without permission, and may take immediate possession of said land, and remove said part.. of the second part therefrom.

And it is agreed, that the stipulations herein contained are to apply to and bind the heirs, executors, administrators and assigns of the respective parties hereto.

In witness whereof, the parties hereto have hereunto set their hands and seals, the day and year first above written.

Signed, sealed and delivered
in presence of

_____ [SEAL.]
_____ _____ [SEAL.]
_____ _____ [SEAL.]
_____ [SEAL.]

.....
Notary Public in and for
.....

Contract for Sale of Land.

(WITH PROVISION FOR DEED AND MORTGAGE BACK.)

This contract, made this.....day of.....in the year one thousand nine hundred and....., by and between (*Here write name of seller.*) part.. of the first, and (*Here write name of purchaser.*) part.. of the second part..

Witnesseth, that the said part.. of the first part, in consideration of the sum of.....Dollars, to be to.....duly paid as hereinafter specified, hereby agree.. to sell and convey to the said part.. of the second part, all the following described land, situated in the..... of.....County of.....State of..... to-wit: (*Here give a correct description of land sold and to be conveyed*) for the said sum of.....Dollars, which the said part.. of the second part hereby agree.. to pay to the said part.. of the first part, as follows: (*Here state how payment to be made.*) and the balance of .....Dollars at the time and in the manner hereinafter mentioned, and agreed upon, with interest on all sums at any time unpaid hereon, at the rate of.....per cent. per annum payable annually.

It is agreed by the parties hereto, that the said part.. of the first part, on receiving payment in full of the said first.....installments of principal (amounting in all to.....Dollars), and the interest thereon, at the times and in the manner above mentioned, and all other sums chargeable in..h..favor hereon, at the time of such payment shall and will at ..h..own proper cost and expense, execute and deliver to the said part.. of the second part, a good and sufficient.....Deed of said above described land, free and clear of and from all liens and incumbrances, except such as may have accrued on said land subsequent to the date hereof, by or through the acts or negligence of said part.. of the second part,.....

And it is further agreed by the parties hereto that upon, and at the time of, the execution and delivery of such Deed for said land as above provided for, the said part.. of the second part shall for the balance of the purchase price for said land, execute and deliver to said part.. of the first part,.....promissory notes, as follows: one promissory note for he sum of.....Dollars to fall due.....19....,

[1].....said promissory note..to bear interest at the rate of..... per cent. per annum, payable.....annually, and which said notes..... to be secured by a good and sufficient mortgage which is to cover said above described land, and which is to be executed and delivered by said part.. of the second part to said part.. of the first part at the same time as said promissory notes.

[2].....

Said part.. of the second part also agree.. to pay in due season all taxes and assessments, extraordinary as well as ordinary, that shall be taxed or assessed on said land and on this contract, including the taxes thereon for the year 19.....

It is also agreed by the parties hereto, that said part.. of the second part shall have possession of said land, under this contract, on the.....

It is also agreed by the parties hereto, that if the said part.. of the second part shall fail to perform this contract, or any part of the same, the said part.. of the first part shall, immediately after such failure, have the right to declare this contract void, and to retain whatever may have been paid hereon and all improvements that may have been made on said land, as stipulated damages for non-performance of this contract, and may consider and treat said part.. of the second part as.....tenant.. holding over without permission and may take immediate possession of said land, and remove said part...of the second part therefrom.

And it is agreed, that the stipulations herein contained are to apply to and bind the heirs, executors, administrators and assigns of the respective parties hereto.

In witness whereof, the parties hereto have hereunto set their hands and seals, the day and year first above written.

Signed, sealed and delivered in presence of

_____ [SEAL.]
_____ [SEAL.]
_____ [SEAL.]
_____ [SEAL.]
_____ [SEAL.]

Acknowledgement, etc.

NOTES: 1. In the space indicated by figure 1, insert whenever the fact requires it, the following: "each of."

2. In the space indicated by the figure 2 insert whenever desired, the following: — "and which said Mortgage shall contain what are commonly known as Interest, Insurance and Tax Clauses."

Contract for Sale of Farm.

Articles of agreement, made and concluded this.....day of..... in the year nineteen hundred.....by and between (*Name of seller.*), part.. of the first part, and (*Name of buyer.*) part.. of the second part.

Witnesseth, that the said part.. of the first part, at the request of the said part.. of the second part, and in consideration of the money to be paid, and the covenants as herein expressed, to be performed by he said part.. of the second part, hereby agree.. to sell and convey to the said part... of the second part, all he following described land, situated in the.....of.....County of..... State of Michigan, to-wit: (*Description of land.*) with the privileges and appurtenances thereunto belonging.

And the said part.. of the second part, in consideration of the premises, hereby agree..to purchase said land, and to pay therefor, to the said part.. of the first part, the sum of.....Dollars as follows, viz:

.....Dollars, on the execution and delivery of his agreement, and (*Terms of payment of balance.*) with interest at the rate of.....per cent. per annum, to be paid.....annually on the whole sum from time to time remaining unpaid. And, also, that..... will, during the life of this contract, within the time prescribed by law, pay or cause to be paid, all taxes and assessments, ordinary and extraordinary, that shall by any lawful authority be taxed or assessed upon the said land and appurtenances, and, particularly all taxes which shall be assessed upon this contract or upon the contract interest of said part.. of the first part, in and to said premises by virtue of this contract, including the taxes for the year 19...; and that the payment by said part.. of the second part of such taxes on this contract, or the contract interest of said part.. of the first part, shall not, in any case, be considered and treated as a payment on either the interest or the principal of this contract.

It is mutually covenanted and agreed, by and between the parties

hereto, that said part.. of the second part shall have possession of said land under this contract, on the.....day of.....in the year nineteen hundred....., and that said part.. of the second part, during the existence of this contract, shall not remove from the said land any buildings, improvements or fixtures, which may have been, or may be put thereon, and shall not cut or dispose of the timber standing and growing on said land, except for buildings which said part.. of the second part may erect on said premises, for firewood, or otherwise for .....own use, and while clearing off the land for cultivation in the ordinary manner, it being the intention of the parties hereto, in the restrictions above mentioned, that said part.. of the second part shall not impair the value of said land.

It is further mutually covenanted and agreed, by and between the parties hereto, that said part.. of the second part shall not sell, assign or transfer this contract, nor.....right, title and interest in and to the same, to any other person or persons whomsoever, without the written consent thereto of said part.. of the first part having been first obtained and endorsed hereon.

The said part..of the first part hereby covenant.. and agree.. to and with said part.. of the second part, that upon the faithful performance by the said part..of the second part, of the covenants as herein expressed, on.....part to be kept and performed, and upon the payment by said part.. of the second part of the principal and interest, at the time and in the manner hereinbefore specified, the said part.. of the first part shall and will, without delay, well and faithfully execute and deliver to said part.. of the second part a good and sufficient.....Deed, and hereby sell and convey to said part.. of the second part.....heirs and assigns, a good, perfect and unincumbered title, in fee simple, to the above described land with the appurtenances thereunto belonging.

And it is further mutually covenanted and agreed, by and between the parties hereto, that if default shall be made by said part.. of the second part, in any of the payments of principal and interest, at the time or any of the times hereinbefore specified for the payment thereof, and should the same remain unpaid and in arrears for.....days thereafter, or in case said part.. of the second part shall fail to keep and perform this contract, in any other respect wherein the same is herein required on .....part to be kept and performed, said part.. of the first part shall immediately thereafter have the right to declare this contract void and no longer binding, and all payments which shall then have been made hereon or in pursuance hereof shall be absolutely and forever forfeited to said part.. of the first part, and the said land, with the buildings and improvements thereon, shall revert to said part.. of the first part, and said part.. of the first part may consider and treat said part.. of the second part as.....tenant..holding over without permission, and may take immediate possession of the said premises, and remove the part..

of the second part therefrom, or at the election of part.. of the first part, the covenants herein contained on the part of said part..of the second part to be kept and performed, and th liability of said part.. of the second part, under this contract shall continue and remain obligatory upon said part— of the second part, and may be enforced, and the said consideration money, and every part thereof, with the interest, and any unpaid taxes as hereinbefore specified, may be collected by proper proceedings in law or equity, from said part.. of the second part, and conveyance of said premises be made as aforesaid.

And it is hereby expressly understood and agreed, by and between the parties hereto, that time is and shall be deemed and taken as the very essence of this contract, and that the covenants and agreements herein contained are to apply to and bind the heirs, executors, administrators and assigns of the respective parties hereto. ,

In witness whereof, the said parties hereto have hereunto set their hands and seals the day and year first above written.

Signed, sealed and delivered
in the presence of

_____ _____[L. S.]
_____ _____[L. S.]
_____ _____[L. S.]
_____[L. S.]

Option for Purchase of Land.

This contract, made this.....day of.....A. D. 19....., by and between.....part.. of the first part, and.....part.. of the second part.

Witnesseth, that the said part.. of the first part, in consideration of the sum of.....Dollars to.....in hand paid by said part.. of the second part, do...hereby agree that....shall and will at any time within..... .....from the date hereof, at the written request of the said part.. of the second part, execute and deliver to....., or to any person or persons as.....the said part.. of the second part shall direct in writing, a good and sufficient Warranty Deed of the following described land, situated in the.....County of..... State of Michigan, to-wit: (*Here describe land.*) for the sum of..... .....dollars, payable as follows: (*Here state manner of payment.*)

And the said part.. of the first part do... hereby further agree that .....shall not and within.....from the date hereof, sell, convey, mortgage, or otherwise encumber the said land or any part hereof, or do, or permit to be done, any act or deed to diminish or encumber the title to said land.

It is agreed by and between the parties hereto, that if the said part.. of the second part at the expiration of the aforesaid limited time shall

have declined or omitted to make application for the purchase of said land at the price aforesaid, then this instrument shall be void, and the above sum of.....Dollars so paid as aforesaid..... shall be forfeited by the said part.. of the second part, and the said part.. of the first part shall have the right to retain the same, as and for liquidated damages, and the said part.. of the second part shall relinquish to said part.. of the first part all claim to the said land, either in law or equity, and, also all claim to the said sum of.....Dollars, so paid as aforesaid, and no claim of the said part.. of the second part under this contract shall then be effectual.

In witness whereof, the said part.....ha....hereunto set .....hand and seal the day and year first above written.

Executed in the presence of

_____ _____[SEAL.]

_____ _____[SEAL.]

.....

Notary Public in and for

.....County, Michigan.

My commission expires.....

Agreement for Exchange or Trade of Farms or Lands.

Agreement made this.....day of....., 190.., by and between..... of.....party of the first part, and.....of.....party of the second part; witnesseth:

Whereas the said party of the first part is the owner in fee simple of a certain parcel of land with the buildings thereon, situate in the ..... of....., State of..... and bounded and described as follows, to-wit:

(*Here describe premises.*)

And whereas the said party of the second part is the owner in fee simple of certain parcels of land situate in the.....of .....State of....., and bounded and described as follows, to-wit:

(*Here describe premises.*)

And whereas the said parties have agreed to make an exchange by way of mutual sale and conveyance of their said respective properties, now it is agreed as follows, to-wit:

That the said party of the first part shall, in consideration of the property hereby agreed to be conveyed by the said party of the second part to the said party of the first part, and of the sum of money to be paid

by the said party of the second part to the said party of the first part as hereinafter mentioned, sell and convey to the said party of the second part, the said described land of the said party of the first part, with the buildings thereon, and the appurtenances thereunto belonging, in fee simple, and free from all dower and incumbrances.

That the said party of the second part shall, in consideration of the property hereby agreed to be conveyed by the said party of the first part to the party of the second part, sell and convey to the said party of the first part the said described land of the said party of the second part, with the appurtenances hereunto belonging, in fee simple and possession, free from all dower and incumbrances, and shall pay to the said party of the first part the sum of money hereinafter mentioned.

The said premises belonging to the said party of the first part being considered to be of greater value than the said premises belonging to said party of the second part, by the sum of.....dollars, the said party of the second part shall, upon the execution of said conveyance, pay to the said party of the first part the sum of..... dollars ($....), the difference in value of the said premises.

The said exchange shall be completed on the.....day of .....190.., at the office of....., at .....when each of said parties shall, by good and proper deed of general warranty, convey the said premises belonging to him unto the other of them, free from all incumbrances.

Each of said parties shall be entitled to the possession and to the receipt of the rents and profits of the premises hereby agreed to be conveyed to him from and after the.....day of....., 190.., aforesaid.

If, from any cause whatever, the said prospective conveyances shall not be completed on or before the said.....day of..... next, interest at the rate of.....per cent. per annum upon the sum to be paid for equality of value, as aforesaid, shall be paid by the said party of the second part from the said.....day of ..... next, until the completion of said conveyances.

In witness whereof, the said parties have hereunto set their hands, the day and year above written.

_____[L. S.]

_____[L. S.]

Contract for Building House or Barn, Etc.

Articles of agreement made and entered into this..... day of..... A. D. 190..

By and between ..... of ..... County of ..... State of Michigan, the part.... of the first part, ... of ..... County of ..... State of Michigan, the part.... of the second part.

Witnesseth, that said part.... of the second part do....hereby for ..... heirs, executors, or administrators, covenant, promise, and agree that ..he.. shall and will, for the consideration hereinafter named, on or before the ..... day of .....A. D. 190..

(*Here state what is to be built, and give general description.*) for the said part.... of the first part, at (*Where to be built.*) according to the plans, drawings, details, and specifications made or to be made by (*Name of architect, if any*) architects, the work to be done in a good, sufficient, and workmanlike manner, to the entire satisfaction of the said (*Name of owner*) and architect, for the sum of .....dollars.

It is agreed by the parties hereto that the superintending architect shall have full power to reject all material and workmanship, not in full accordance with the spirit and meaning of the plans, drawings and specifications, which form a part of this contract, and are signed by the parties hereto.

The part.... of the first part do.. hereby for ..... heirs, executors, or administrators, covenant and agree that, in consideration of the covenants and agreements of the said part.... of the second part herein contained, being by..h..strictly and faithfully kept and performed, ..h.., the said part.... of the first part shall and will well and truly pay, or cause to be paid, to the said part.... of the second part, the said sum of ..... dollars, in the following manner to wit: (*State manner of payment, etc.*)

In witness whereof the parties hereto have hereunto set their hands and seals, the day and year first above written.

In presence of

_____ _____[SEAL.]

_____ _____[SEAL.]

Another Form of Agreement for Building House, Etc.

This agreement made and entered into this first day of May in the year 1908, by and between A B, of Critchfield, Michigan, party of the first part, and C D, of said village, party of the second part, with reference to the construction of a certain (*dwelling house or barn, as the case may be*) for said party of the second part witnesseth:

First. That the plans and specifications hereto annexed, and marked "A," and every part and clause thereof, are made a part of this agreement.

Second. That the said A B, hereby agrees that he will, on or before the first day of October, 1908 do, perform, finish and complete, in the manner therein stated all work set forth and referred to in said specifications; the work to be commenced, no obstacles not under control of either party preventing, on the first day of June, 1908. (*Here state*

who is to furnish the materials, delivery, etc.) And the said C D agrees to pay said A B for said work as follows:

(*Here state payments.*)

If any alterations to said building should be directed by the said C D, such work as said alterations may require, shall be estimated and the amount to be paid for the same agreed upon, and all reduced to writing, as supplemental to this agreement before said alteration is commenced.

In witness whereof, the parties have hereunto set their hands the day and date first above written.

A B,
C D.

NOTE: A drawing or plans should be made showing the dimensions of the building, of timber, foundation, elevation, etc. If a house, the thickness of the walls, the height of each story, the dimensions of the cellar, rooms, attic, floors, windows, stairways, fire-places, grates, clothes-presses, pantries, sinks, plumbing, etc., should be shown. There should be specifications of all material, workmanship, etc., etc.

Agreement to Discharge an Obligation Made During Minority.

This agreement made this first day of August, 1908, by and between A B, of ....., party of the first part, and C D, of .....party of the second part witnesseth:

Whereas on the 27th day of May, 1907, said debtor, being then a minor, purchased (*Here state what was purchased*) of the said creditor, for the sum of thirty-eight dollars ($38.00), and having now attained his majority, and being desirous of ratifying the purchase, and giving full effect to his liability for the payment of such debt, does hereby enter into the following agreement, to-wit:

That in consideration of such purchase and delivery of said (*Here state what was purchased*) to him as aforesaid, and of the agreement on the part of said creditor hereinafter contained, the said debtor, hereby expressly acknowledges the said debt to be justly due to the said C D, and agrees to pay the same within twelve months from the date hereof, together with interest thereon at the rate of six per cent. per annum.

And the said C D, in consideration of the promise and agreement hereinbefore contained, hereby agrees that he will not sue for or require payment of said debt unless default shall be made in payment thereof, at the time hereinbefore appointed.

In witness whereof, the parties have hereunto set their hands the day and year above written.

A B,
C D.

II. AFFIDAVIT.

General Form for Ordinary Purposes.

State of Michigan,
..... County, ss:

A B, residing at ..... and of lawful age, being first duly sworn, says:

(*Here state the facts.*)

Further affiant saith not.

A B.

Sworn to by the said .....A B .....and by him subscribed in my presence this .....day of ....., 190..

.....
(*Official character.*)

Affidavit to Claim.

State of Michigan,
..... County, ss:

Before me, the undersigned, a ..... in and for said county, personally appeared A B who made solemn oath that there is justly due him on the above claim an itemized statement of which as attached hereto, the sum of ..... dollars ($.....), that no payments have been made thereon, and that there are no offsets against the same to his knowledge.

(Signed) A B.

Sworn to and subscribed before me this ..... day of ..... 190..

.....
(*Official character here.*)

Affidavit — Proof of Account. (Another Form).

State of Michigan,
..... County, ss:

(*Name of person making affidavit*) being duly sworn, deposes and says, that he is (*If agent or attorney is making affidavit, write his name here*), the within claimant and makes this affidavit for and in ..... behalf; that the annexed account is correct; that the charges therein made are just and reasonable, and that neither the whole nor any part thereof has been paid.

Subscribed and sworn to before me this ..... day of ..... A. D. 190....

.....

Another Form of Affidavit to Debt or Account.

State of Michigan,

..... County, ss:

(*Name of person making affidavit*) being first duly sworn, deposes and says, that he is (*President, Secretary, Cashier, Bookkeeper of the company, or of the owner of the account annexed hereto*) that he has examined the account hereto annexed, and carefully compared the same with the original entries in the books of (*Name of creditor*) that said account is truly and correctly made out from said books; that the goods in said account described, were actually sold and delivered by said (*Name of creditor*) to (*Name of debtor*); that the charges therefor in said account are correct and true as therein set forth, to the best of deponent's knowledge and belief; that the claim and demand of said (*Name of creditor*) against the said (*Name of debtor*) as shown by said annexed account is just, due and unpaid; that there is no just offset, payment or credit therein in law or equity known to deponent, excepting as in said account stated, and that there is now due to the said (*Name of creditor*) from the said (*Name of debtor*) the sum of .....dollars, and interest thereon at the rate of ..... per cent. per annum, from the .....day of ..... A. D. .....

Subscribed and sworn to before me, this.....day of..... A. D. 190....

Notary Public, ...County, Michigan.
My commission expires ..... 19..

III. ASSIGNMENT.

General Form for Assignment of Written Instruments.

LANSING, MICHIGAN, July 24, 1908.

In consideration of the sum of ..... dollars ($.....) to me paid by A B, I hereby assign to him all my rights, title and interest in and to the within instrument.

C D.

Assignment of an Account.

For value received, I hereby sell, assign and transfer to A B, the within (or annexed) account, and all of my right, title, interest and demand in and to the same, with full authority to collect and receipt for the same. I guarantee that the said account is just and due, and that I have not received or discharged the same or any part thereof.

Dated this 24th day of July, 1908.

C D.

Notice to Debtor by Creditor of Assignment of Debt.

LANSING, MICHIGAN, July 24, 1908.

To M. N.

DEAR SIR: I hereby notify you that I have this day assigned the debt of ..... dollars ($.....) now owing from you to me to A B, and I hereby request you to pay the said sum to him, and his receipt to you for the same shall be a sufficient and full discharge from said debt.

Yours very truly,

C D.

Notice of Assignee to Debtor of Assignment of a Debt.

LANSING, MICHIGAN, July 25, 1908.

To M. N.

DEAR SIR: I hereby notify you that C D did by an agreement on the 24th day of July, 1908, assign and fully transfer to me the debt of ..... dollars ($.....) owing by you to him. Therefore I request that you pay the said debt to me on or before the ..... day of ..... next, and very greatly oblige,

Yours very truly,

A B.

Assignment and Guaranty of Payment.

LANSING, MICHIGAN, July 24, 1908.

For value received I hereby sell, assign and transfer to A B all of my right, title and interest in, to the within account, and all money due thereon, to-wit, the sum of ..... dollars ($.....), and I hereby guarantee the payment of the same to the said A. B, or his assigns.

C D.

General Assignment of Account.

(LONG FORM.)

Know all men by these presents, that.....of the ..... of ..... in the county of ..... and State of Michigan, for and in consideration of the sum of ....Dollars, lawful money of the United States, to ..... paid by ..... of the second part, do.. by these presents sell, assign, transfer and set over, unto said part.... of the second part, ... executors, administrators or assigns, all ..h.. right, title and interest in and to the annexed account, and in and to any and all sums of money now due or hereafter to become

due upon the account, in favor of said....., against ..... for the sum of ..... Dollars, a statement of which account is hereunto annexed, and.....do hereby give said second part...., ... executors, administrators and assigns, full power and authority for his, her, or their use and benefit, but at his, her or their own cost, to ask, demand, collect, receive, compound and receipt or give acquittance for the same or any part thereof, and in ..... name or otherwise, to bring, prosecute and withdraw any suits or proceedings at law or in equity therefor.

In witness whereof, ... have hereunto set .... hand .... and seal .. this.....day of.....A. D. 190....

_____ [L. S.]
_____ [L. S.]

IV. Bill of Sale.

(LONG FORM.)

Know all men by these presents, that.....of the ..... of ..... in the county of ..... and State of Michigan, of the first part, for and in consideration of the sum of.....Dollars, lawful money of the United States, to ..... paid by ..... of the second part, the receipt whereof is hereby acknowledged, ha.. bargained and sold, and by these present do.. grant and convey, unto the said part.... of the second part, ... executors, administrators or assigns, all the following goods and chattels, to-wit:

(*Here make a list of the goods and chattels sold.*)

belonging to..... and now in.....possession at .....

To have and to hold the same unto the said part.... of the second part, ... executors, administrators and assigns, forever. And the said part.... of the first part, for ..... heirs, executors and administrators, do.. covenant and agree to and with the said part.... of the second part, ...executors, administrators and assigns, to warrant and defend the sale hereby made of said property, goods and chattels, unto the said part.... of the second part, ... executors, administrators and assigns, against all and every person or persons whatsoever.

In witness whereof, ... have hereunto set ..... hand.. and seal.. this.....day of.....A. D. 190....

Signed, sealed and delivered
in the presence of

_____ [L. S.]
_____ [L. S.]
_____ [L. S.]
_____
_____

Bills of Sale.

(SHORT FORM.)

In consideration of .....dollars ($.....) to me in hand paid by A B, I have this day bargained and do hereby sell and convey to the said A B the following described property, to-wit:

(*Here describe the property.*)

In witness whereof, I have hereunto set my hand this ..... day of ....., 190..

C D.

Bill of Sale of Horse with Guaranty.

LANSING, MICHIGAN, June 27, 1908.

In consideration of the sum of one hundred and twenty-five dollars ($125.00) in hand, to me paid by Arthur Francis, I have this day bargained and sold, and do hereby sell and convey to the said Arthur Francis one bay gelding six years old, named Dick, and I guarantee said gelding sound and gentle in every particular.

PERRY HAMBLETON.

V. BONDS.

General Form for All Ordinary Purposes.

Know all men by these presents, that we, ...of the ..... of.....in the County of.....and State of.....and .....of the.....of.....in the County of.....and State of.....are held and firmly bound unto.....of the .....of.....in the County of.....and State of..... in the sum of.....Dollars good and lawful money of the United States of America, to be paid to the said.....h..executors, administrators or assigns, for which payment well and truly to be made, we do bind ourselves, our heirs, executors, or administrators, jointly and severally, firmly by these presents..

Sealed with our seals; dated this.....day of..... A. D.....

Whereas, the above bounden.....

(Here state what is to be performed.)

Now, therefore, the condition of the above obligation is such, that if the above bounden.....shall well and truly indemnify and save harmless, the said.....h..executors and administrators, from and against.....then this obligation to be void, otherwise to remain in full force.

_____ _____

_____ _____

_____ _____

_____

State of Michigan,

County of.....ss.

.....of the.....of.....in said County of..... the sure...named in and who signed the annexed and foregoing bond, being duly sworn.....deposes and says, that he is worth in unincumbered property, not exempt from execution under the laws of this State, the sum of.....Dollars, after payment of all just debts, claims and liabilities. that such property consists of.....situated and being in said County of.....

Subscribed and sworn to before me, this.....day of..... A. D. 1..

My commission expires.....19..

.....

.....

NOTE: In case of two sureties, always insert "each for himself" in the space after the words "being duly sworn."

Bond for Payment of Rent.

Know all men by these presents, that we, William Smith, of Lincolnville, Michigan, principal, and Charles Haines, of said village, surety, are firmly held and bound unto Joseph Raymore, of said village, in the sum of five hundred dollars, for the payment of which sum to the said James Raymore, his executors, administrators, and assigns, we hereby each jointly and severally bind ourselves, our heirs, executors and administrators.

The conditions of this obligation are such that whereas, the said Joseph Raymore has leased unto the said William Smith, certain land, and the farm buildings and dwelling house situate on Wilke's pike, one mile south of said village, by lease bearing even date herewith, and whereas said lease was granted upon the condition that the above named Charles Haines should join as surety for the said William Smith, in a bond for the due payment of the rent and the performance of the covenants and conditions contained in the said lease, now, if the said William Smith, his executors, administrators or assigns, shall, during the continuance of the said lease, duly pay to the said Joseph Raymore, his heirs or assigns, the rent upon the respective dates appointed in said lease for payment thereof, or within ten days next after such respective days, and shall, during the continuance of the said lease, duly observe and perform all and singular the covenants and conditions therein contained on the part of the said lessee, his executors, administrators and assigns, to be observed and performed; provided that the neglect or forbearance of the said lessor in enforcing payment of such rent or the performance of such covenants and conditions, or the giving of time by him for payment or performance thereof, shall not in any way re-

lease the said Charles Haines or either of them, his or their hears, executors, or administrators, in respect of his or their liability under the above written bond, then this obligation shall be void; otherwise, it shall be and remain in full force and virtue.

In witness whereof we have hereunto set our hands this 1st day of February, 1908.

Signed in the presence of:

_____ WILLIAM SMITH, Principal,

_____ CHARLES HAINES, Surety.

VI. BANK CHECKS.

Payable to Order.

No.. DETROIT, MICHIGAN, ..., 190..

LAKE ERIE BANK.

Pay to..... ... or order,

.....Dollars $ .....

Certified Check.

No. CHARLESTON, S. C., January 10, 1908.

SEAPORT BANK.

Pay to Hugh McHugh .....or order,

One hundred .....Dollars, $100.00.

Good for $100 when properly indorsed. Wm. Bates, Cashr.

JOHN DOE.

Certificate of Deposit.

$500.00. BOSTON, MASS., Dec. 24, 1908.

PURITAN BANK.

Richard Roe has deposited in this bank, Five Hundred Dollars, payable to his own order, upon the return of this certificate properly endorsed.

JOHN DOE, Cashier.

VII. DRAFTS.

Sight Draft.

$200.00. JACKSONVILLE, FLA., Feb. 1, 1908.

At sight pay to the order of the Collector's Bank, Two Hundred Dollars, and charge to the account of

JAMES MCPHERSON.

To Chas. C. Cruikshank,
Detroit, Michigan.

Time Draft.

$100.00. DETROIT, MICHIGAN, Dec. 20, 1908.

At ten days' sight pay to the First National Bank, New Orleans, One Hundred Dollars, and charge to our account.

C. C. DOUGLAS & Co.

To Clark Simpson,
New Orleans, La.

Accepted Drafts.

$212. MARION, MICHIGAN, Dec. 23, 1908.

At ten days' sight pay to Smith & Co., Bankers, Two Hundred and Twenty Dollars, and charge to my account.

Stephen Alexander.

To A. A. Barkus & Co.,
Columbus, Ohio.

Accepted. Dec. 24, 1908.
A. A. Barkus & Co.

VIII. DEEDS, MORTGAGES AND LEASES.

Warranty Deed.

(STATUTARY — SHORT FORM.)

This Indenture, made this.....day of.....in the year of our Lord one thousand nine hundred.....,between (*name of seller*), of the first part, and (*name of buyer*), of the second part;

Witnesseth, that the said (*name of seller*), part.. of the first part,

conveys and warrants to the said (*name of buyer*), part..of the second part all.....certain piece..or parcel.....situate and being in the.....of.....County of....., State of Michigan, and described as follows, to wit:

(*Description of land.*)

for the sum of (*purchase price*), lawful money of the United States of America, to.....in hand paid by the said part..of the second part, the receipt whereof is hereby confessed and acknowledged.

In witness whereof, the said part..of the first part ha..hereunto set.....hand..and seal.., the day and year first above written.

Signed, sealed and delivered
in the presence of

_____ _____[L. S.]

_____ _____[L. S.]

State of Michigan,

County of.....ss.

On this.....day of.....in the year one thousand nine hundred and.....before me, a.....in and for said county, personally appeared.....to me known to be the person..described in and who executed the foregoing instrument, and.....acknowledged that.....executed the same as.....free act and deed.

_____

Notary Public

..... County, Michigan.

My commission expires.....19....

Warranty Deed.

(SHORT FORM.)

This indenture, made this.....day of.....in the year of our Lord one thousand nine hnndred and.....between (*name and residence of seller*), of the first part, and (*name and residence of buyer*), of the second part,

Witnesseth, that the said part..of the first part, for and in consideration of the sum of.....dollars, to.....in hand paid by the said part..of the second part, the receipt whereof is hereby confessed and acknowledged, do..by these presents grant, bargain, sell, remise, release, alien and confirm unto the said part..of the second part, and .....heirs and assigns, FOREVER, all.....certain piece..or parcel..of land situate and being in the.....of.....county of.....and state of Michigan, and described as follows, to wit:

(*Description of land.*)

together with all and singular the hereditaments and appurtenances thereunto belonging or in any wise appertaining: To have and to hold the

said premises, as herein described, with the appurtenances, unto the said part..of the second part, and to.....heirs and assigns, FOREVER. And the said.....part..of the first part, for.....sel....., ..h.....heirs, executors and administrators, do..covenant, grant, bargain and agree to and with the said part..of the second part..... heirs and assigns, that at the time of the ensealing and delivery of these presents.....well seized of the above-granted premises in fee simple; that they are free from all incumbrances whatever..... and that.....will, and.....heirs, executors, ... administrators.....shall warrant and defend the same against all lawful claims whatsoever, ...

In witness whereof, the said part..of the first part of ha..hereunto set.....hand..and seal..the day and year first above written.

Signed, sealed and delivered
in the presence of

_____ _____[L. S.]
_____ _____[L. S.]

State of Michigan,
County of.....ss.

On this.....day of.....in the year one thousand nine hundred and.....before me,.....in and for said county, personally appeared.....to me known to be the same person..described in and who executed the within instrument, who..... acknowledged the same to be.....free act and deed.

_____

Notary Public ..... County, Michigan.
My commission expires.....190....

Warranty Deed.

(LONG FORM).

This indenture, made this .....day of ..... in the year of our Lord one thousand nine hundred.....190... Between (*Name of seller*) of the first part, and (*Name of buyer*) of the second part.

Witnesseth, that the said part.... of the first part, for and in consideration of the sum of ..... dollars, to ..... in hand paid by the said part.. of the second part, the receipt whereof is hereby confessed and acknowledged, ha.. granted, bargained, sold, remised, released, aliened and confirmed, and by these presents do.. grant, bargain, sell, remise, release, alien and confirm unto the said part.... of the second part, and to ..... heirs and assigns, forever, all ..... certain piece.. of parcel or land situate and being in the ..... of ..... County of ....., and State of Michigan, ... and described as follows, to-wit:

(*Here describe premises.*)

Together with all and singular the hereditaments and appurtenances thereunto belonging, or in anywise appertaining; and the reversion and reversions, remainder .... remainders, rents, issues and profits thereof; and all the estate, right, title, interest ..... demand whatsoever of the said part.... of the first part, either in law or equity, of, in and to the above bargained premises, with the..... hereditaments and appurtenances; To have and to hold the said premises as above described, with the appurtenances unto the said part.... of the second part, and to ..... heirs and assigns, forever. And the said part.... of the first part, for ..... heirs, executors and administrators, do.. covenant, grant, bargain and agree to and with the said part.... of the second part, ... heirs and assigns, that at the time of the ensealing and delivery of these presents ..... well seized of the premises above ..... as of a good, sure, perfect, absolute and indefeasible estate of inheritance in the law in fee simple; and that the said lands ..... are free from all incumbrances whatever ..... and that the above bargained premises in the quiet and peaceable possession of the said part.... of the second part, ... heirs and assigns, against all and every person or persons lawfully claiming, or to claim, the whole or any part thereof, ... will forever warrant and defend.

In witness whereof, the said part.... of the first part ha.. hereunto set ..... hand.. and seal.. the day and year above written.

Signed, sealed and delivered
in the presence of

_____ _____[L. S.]
_____ _____[L. S.]

(*Acknowledgment, etc.*)

Quitclaim Deed.

(LONG FORM.)

This indenture, made the ..... day of ..... in the year of our Lord one thousand ..... hundred ..... between ..... of the first part, and .....of the second part.

Witnesseth, that the said part.... of the first part, for and in consideration of the sum of.....to.....in hand paid by the said part.... of the second part, the receipt whereof is hereby confessed and acknowledged, do.. by these presents grant, bargain, sell, remise, release and forever quit-claim, unto the said part....of the second part, and to.....heirs and assigns, forever, All ..... certain piece.. or parcel.. of land, situated in the

..... of ..... in .....
County, and State of Michigan, known and described as follows:

(*Description of premises, here.*)

Together will all and singular the hereditaments and appurtenances thereunto belonging or in anywise appertaining: To have and to hold the said.....to the said part.... of the second part, and to ..... heirs and assigns, to the sole and only proper use, benefit and behoof, of the said part.... of the second part ..... heirs and assigns, forever.

In witness whereof, the said part.... of the first part ha.. hereunto set ..... hand.. and seal.. the day and year above written.

Signed, sealed and delivered
in the presence of

_____ _____[L. S.]
_____ _____[L. S.]

(*Acknowledgment, etc.*)

Quitclaim Deed.

(SHORT FORM.)

This indenture, made the ..... day of ..... in the year of our Lord one thousand ..... hundred ..... between ..... of the first part, and .....of the second part.

Witnesseth, that the said part.... of the first part, for and in consideration of the sum of.....to.....in hand paid by the said part.... of the second part.....to.....in hand paid by the said part.... of the second part, the receipt whereof is hereby confessed and acknowledged, do.. by these presents grant, bargain, sell, remise, release and forever quit-claim, unto the said part.... of the second part, and to ..... heirs and assigns, forever.

(*Description of premises, here.*)

Together will all and singular the hereditaments and appurtenances thereunto belonging or in anywise appertaining: To have and to hold the said .....to the said part.... of the second part, and to ..... heirs and assigns, to the sole and only proper use, benefit and behoof, of the said part.... of the second part ..... heirs and assigns, forever.

In witness whereof, the said part.... of the first part ha.. hereunto set ..... hand.. and seal.. the day and year above written.

Signed, sealed and delivered
in the presence of

_____ _____[L. S.]
_____ _____[L. S.]

(*Acknowledgment, etc.*)

Mortgage.

(STATUTORY — SHORT FORM).

This indenture, made this ..... day of ..... in the year of our Lord one thousand ..... hundred ....., between (*Name of mortgagor*) of the first part, and (*Name of mortgagee*) of the second part.

Witnesseth, that the said part.... of the first part mortgage and warrant to the said part.... of the second part, all ..... certain piece.. or parcel.. of land, situate in ..... of ....., in the county of ..... and State of Michigan, and described as follows, to wit:

(*Write description of land here.*)

to secure the payment of the sum of ..... Dollars ($....) to ..... in hand paid by the said part.... of the second part (the receipt whereof is hereby confessed and acknowledged) in manner following, to-wit: (*Here state manner of payment.*) According to the terms of certain (*promissory note, or bond, as the case may be*) bearing even date herewith, executed by (*name of mortgagor*) to the said second part (*name of mortgagee*).

In case of non-payment of the said sum of ..... Dollars ($.....) or of the interest thereof, or any part of said principal or interest, at the time, in the manner and at the date above limited and specified for the payment thereof, then and in such case it shall and may be lawful for the said part.. of the second part, and the said part.... of the first part do.. hereby empower and authorize the said part.... of the second part, to grant, bargain, sell, release and convey the said premises at public auction or vendue, and on such sale to make and execute to the purchaser or purchasers, ... heirs and assigns, forever, a good and sufficient conveyance in law, rendering the surplus (if any) to the said first part.... after deducting the costs and charges of such sale.

And it is further expressly agreed, that as often as any proceeding is taken to foreclose this mortgage, whether in Chancery or by advertisement, such mortgagee.. shall be entitled to receive such reasonable sums of money as shall fairly compensate ..... for any steps which .....may be compelled to take therein, through an attorney, solicitor or agent, and that the value of such service may be proven before and taxed by any taxing officer, in addition to all other legal costs.

In witness whereof, the said part.... of the first part ha.. hereunto set ..... hand.. and seal.. the day and year first above written.

Signed, sealed and delivered
in the presence of

_____ _____[L. S.]

_____ _____[L. S.]

(*Acknowledgment, etc.*)

Mortgage.

(LONG FORM.)

This indenture, made this ..... day of ..... in the year of our Lord one thousand ..... hundred ....., between (*Name of mortgagor*) of the first part, and (*Name of mortgagee*) of the second part.

Witnesseth, that the said part.... of the first part, for and in consideration of the sum of ..... Dollars ($.....) to ..... in hand paid by the said part.... of the second part, the receipt whereof is hereby confessed and acknowledged, ha.. granted, bargained, sold, released, enfeoffed and confirmed, and by these presents do.. grant, bargain, sell, remise, release, enfeoff and confirm unto the said part.... of the second part, and to ..... heirs and assigns, forever, all ..... certain piece.. or parcel.. of land situate in the ..... of ....., in the county of ..... and State of Michigan, and described as follows, to wit: (*Describe land here*)

Together with the hereditaments and appurtenances thereunto belonging or in any wise appertaining; to have and to hold the above bargained premises unto the said part.... of the second part, and to ..... heirs and assigns, to the sole and only proper use, benefit and behoof of the said part.. of the second part ..... heirs and assigns, forever.

Provided always, and these presents are upon this express condition that if the said part.... of the first part shall and do well and truly pay, or cause to be paid to the said part.... of the second part, the sum of (*Here recite money to be paid and how*) according to (*The terms of a certain promissory note or bond of mortgagor as case may be*) bearing even date herewith, executed by (*Name of Mortgagor*) to the said part.... of the second part, to which this indenture is a collateral security, then these presents and.....shall cease and be null and void. But in case of non-payment of the said sum of ..... dollars ($.....) or of the interest thereof, or any part of said principal or interest, at the time, in the manner, and at the place above limited and specified for the payment thereof, then and in such case it shall and may be lawful for the said part.... of the second part, ... heirs, executors, administrators or assigns, and the said part....of the first part do.. hereby empower and authorize the said part.... of the second part ..... heirs, executors, administrators or assigns, to grant, bargain, sell, release and convey the said premises, with the appurtenances, at public auction or vendue, and on such sale to make and execute to the purchaser or purchasers, ...heirs and assigns, forever, good, ample and sufficient deed or deeds of conveyance in law, pursuant to the statute in such case made and provided, rendering the

surplus money(if any there should be) to the said part.... of the first part, ... heirs, executors or administrators, after deducting the costs and charges of such vendue and sale aforesaid.

And it is further expressly agreed, that as often as any proceeding is taken to foreclose this mortgage, either by virtue of the power of sale herein contained or in chancery, or in any other manner provided by law, said first part.... shall pay said second part.... ....dollars, as a reasonable solicitor or attorney fee therefor, in addition to all other legal costs.

In witness whereof, the said part.... of the first part ha.. hereunto set ..... hand.. and seal.. the day and year first above written.

Signed, sealed and delivered
in the presence of

_____ _____[L. S.]
_____ _____[L. S.]

(*Acknowledgment, etc.*)

Ordinary Lease.

(SHORT FORM.)

It is hereby agreed, between .....part.... of the first part, and ..... part.... of the second part, as follows: The said part.... of the first part, in consideration of the rents and covenants herein specified, do.. hereby let and lease to the said part.... of the second part, the following described premises, situated and being in the ..... of ..... county of ..... and State of Michigan, to wit: (*Here describe premises*) for the term of ..... from and after the ..... day of ..... 190..on the terms and conditions hereinafter mentioned, to be occupied for (*Here state use of premises.*)

Provided, that in case any rent shall be due and unpaid, or if default shall be made in any of the covenants herein contained, then it shall be lawful for the said part.... of the first part ..... certain attorney, heirs, representatives and assigns, to re-enter into, re-possess the said premises, and the said part.... of the second part, and each and every other occupant, to remove and put out.

And the said part.... of the second part do.... hereby hire the said premises for the term of ..... as above mentioned, and do.. covenant and promise to pay to the said part.... of the first part, ... representatives and assigns, for rent of said premises for said term the sum of ..... dollars. (*Here state how money payable and state also any special agreements*).

Said part.... of the second part further covenant that ..... will not assign nor transfer this lease, or sub-let said premises, or any part thereof, without the written assent of said part.... of the first part.

And also, that said part.... of the second part will at ..... own expense, during the continuance of this lease keep the said premises and every part thereof in as good repair, and at the expiration of the term, yield and deliver up the same in like condition as when taken, reasonable use and wear thereof and damage by the elements excepted.

And the said part.... of the first part do.. covenant that the said part.... of the second part, on paying the aforesaid installments and performing all the covenants aforesaid, shall and may peacefully and quietly have, hold and enjoy the said demised premises for the term aforesaid.

The covenants, conditions and agreements, made and entered into by the several parties hereto, are declared binding on their respective heirs, representatives and assigns.

Witness our hands and seals this ..... day of ....., 1....

Signed, sealed and delivered
in the presence of

_____ _____[L. S.]

_____ _____[L. S.]

SURETY FOR PAYMENT OF RENT.

(*To be written at end or on back of lease.*)

In consideration of the letting of the premises in the foregoing instrument described, and for the sum of one dollar, to ..... paid ..... do hereby become surety for the punctual payment of the rent and performance of the covenants in said instrument mentioned, to be paid and performed by the second part.... therein named; and if any default shall at any time be made therein ..... do hereby promise and agree to pay unto the part.... of the first part named in said instrument, the said rent and arrears thereof that may be due, and fully satisfy the condition of said instrument, all damages that may occur by reason of the non-fulfillment thereof, without requiring notice or proof of the demand being made.

Witness our hand..and seal.. this....day of .....day of....., 1..

_____[L. S.]

_____[L. S.]

Lease of Farm with Lien on Crops.

This instrument, made this ..... day of ..... A. D. ..... by and between (*Name of lessor or owner of farm*) of the first part, and (*Name of lessee or renter of farm*) of the second part.

Witnesseth, that the said part.. of the first part, for and in consideration of the rents and covenants herein specified, do.. hereby let and lease to said part.... of the second part the following described piece.. or parcel.. of land situate and being in the ..... of ..... county of ..... and State of Michigan, to wit: (*Here de-*

scribe the farm) for the term of ..... commencing on the .....day of ..... A. D. ....., and ending on the ..... day of ....., A. D. 190... (*Here state the use to which the premises shall be put, crops to be raised live stock to be kept; and agreement as to the manner of keeping down weeds, building fences and keeping same in repair, hauling out manure, furnishing of grass-seed and sowing of same, hay, fodder, pasture for horses, cattle and hogs fire wood, etc., privileges and special matters are all things to be regulated by agreement and should be made a part of the lease by writing in the lease, whatever such agreement may be.*)

And for and in consideration of the aforesaid term of rent of the said premises, the said part.... of the second part do.. hereby hire the said premises for the term of ..... as above mentioned, and do.. covenant and agree to pay to the said part.... of the first part ..... heirs, executors, administrators or assigns, the sum of ....dollars, lawful money of the United States of America, to be paid as follows, to wit: (*Here state how rent shall be payable*).

And, as a further consideration of the aforesaid term of rent of the said premises, the said part.... of the second part do.. hereby covenant and agree to pay all taxes, whether state, county, township, school or road taxes, or any other taxes that may be imposed on the whole or any part of the said premises and deliver to the said part.... of the first part ..... heirs, executors, administrators or assigns, on the last day of each year, the proper and necessary receipts for all taxes that ..he.. may have paid during such year; and at all times to keep the buildings and fences on said premises in good order and repair, and that ..he.. will not sub-let the said premises or any portion thereof, nor assign nor transfer this lease to any person whomsoever, without the written consent of the said part.... of the first part .....heirs, executors, administrators or assigns, endorsed hereon.

And for the purpose of securing the payment of the said rent above reserved and taxes, the said part.... of the second part hereby covenant.. and agree.. that the said part.... of the first part ..... heirs, executors, administrators and assigns shall have a lien in the nature and to the effect of a chattel mortgage upon all the produce of the said tillable land, whether harvested or not, and the said part....of the second part hereby sell..and mortgage..to the said part....of the first part.....heirs, executors, administrators and assigns the said produce, and in case the said part..of the second part shall fail or neglect to pay the same as above covenanted and agreed upon, the said part.... of the first part ..... heirs, executors, administrators and assigns, shall have the right and power to take possession of the said produce, wherever it may be found, and sell the same at private sale or public auction at the best prices ..he.. can obtain therefor after giving at least ..... days' previous notice of the time and place of said sale, by posting a written or printed notice thereof in ..... or more public places in the said .....

of ....., and out of the money to arise from such sale thereof, if sufficient there shall be, to pay and retain the amount of said rent and taxes due, together with any and all costs and charges of such sale, and shall pay the surplus money (if any) to the said part.... of the second part.

The said part.... of the first part give.. the said part.... of the second part permission to cut on the wood land of said farm, the timber that may be necessary for keeping the buildings and fences in repair, but for no other purpose whatever, excepting for the firewood necessary to be consumed on the said premises ..... which must always be cleanly cut next adjoining the said tillable land, in strips of not to exceed ..... rods in depth across the whole width of the said premises as far as the wood land shall extend, heaping and burning the brush.

And at the expiration of the said term of rent, the said part.... of the second part do.. covenant and agree to surrender and give up the said premises, together with the buildings and fences ..... in good order and repair to the said part.... of the first part ..... heirs, executors, administrators or assigns. And should the said part.. of the second part fail in any of the foregoing covenants, conditions and obligations on ..... part to be fulfilled, kept and performed, then this lease will become null and void, and the said part.... of the first part ..... heirs, executors, administrators or assigns, may peaceably re-enter and take possession of the premises and property hereby rented, without any formal proceedings either at law or in equity, and the said part.... of the second part hereby agree.. to pay to the said part.... of the first part ..... heirs, executors, administrators or assigns, all damage and loss, which ..... they or any of them may suffer, by reason of any failure on the part of the part.... of the second part to faithfully carry out, observe and perform all the terms, covenants and conditions hereinbefore set forth.

In witness whereof, the parties to this instrument have hereunto set their hands and seals the day and year first above written.

Signed, sealed and delivered
in the presence of

_____ _____[L. S.]
_____ _____[L. S.]

(*Acknowledgment, etc.*)

Lease to Cultivate Farm for Share of Crops.

This agreement made this first day of February in the year 1908, by and between A B, party of the first part and C D, party of the second part, Witnesseth:

Said party of the first part has this day let unto said party of the second part (*Here describe the farm, as, the Smith Road Farm, or, the Mosquito Creek Farm, one hundred acre farm, etc.*) of the party of the

first part, to occupy and cultivate during the year beginning March 1, 1908 and ending February 28th, 1909.

Said party of the second part agrees to cultivate said farm in a good workmanlike manner, to keep the land free from weeds, haul out the manure, and keep the fences in good repair, the party of the first part to furnish the material therefor. Further, the said party of the second part agrees to deliver at ..... for the party of the first part, the ..... of all the grain and hay of said party of the first part raised on the farm to wit: (*Here state what share of grain, hay, etc.*)

The said parties mutually agree (*Here put in agreements as to pasturage, wood privileges, etc., of both parties, if any such other privileges are given to either one or both of said parties.*)

This agreement shall take effect this day and possession of said premises, together with the dwelling house and all buildings thereon, shall be given the said party of the second part on the first day of March, A. D. 1906.

In witness whereof said parties have hereunto set their hands on the day and date first above written.

A B.
C D.

Lease from Month to Month.

(*Name of renter*) hereby rents of (*Name of owner of property*) from month to month, from the.....day of.....A. D. 19...., the following described premises, viz.:

(*Describe property here.*)

It is agreed that the rent of said premises shall be at the rate of .....dollars per month, and payable monthly in advance at (*State here where payment to be made*), and also that the said (*Name of renter*) will at.....own expense, during the continuance of this lease, keep the said premises in as good repair and at the expiration of the term, yield and deliver up the same in like condition, as when taken, reasonable use and wear thereof and damage by the elements excepted, and that.....will not re-lease or assign or sublet said premises, or any portion thereof, to any person without the written consent of said (*Name of owner here.*) or..... agent.

This lease to be terminated at the option of either party at the end of any month.

.....
.....

Notice to Quit Tenancy.

To.....

Please take notice that you are hereby required to quit, surrender and deliver up possession to.....of the premises hereinafter described, which you now hold of.....as.....tenant...on or before the

.....day of.....A. D. 19...., for the reason that.....intend to terminate your tenancy, and to repossess.....of such premises on the date above mentioned, said premises being described as follows, to-wit:

(*Here describe premises.*)

Dated at.....in.....County, Michigan, the.....day of.....A. D. 190..

.....

.....

Notice to Quit Premises for Non-Payment of Rent.

To.....:

You are hereby notified that you are required to quit, surrender and deliver up to....., possesion of the premises hereinafter described, which you now hold of.....as.....tenant, or pay to..... the rent now due for said premises, for which you are justly indebted to.....and which you have neglected to pay.

Said premises are described as follows, to-wit:

(*Here describe premises.*)

in the.....of....., County of..... State of Michigan.

Dated this.....day of.....190..

.....

.....

Chattel Mortgage.

Know all men by these presents, that (*Name of mortgagor—owner of chattels here.*) in consideration of.....dollars to.....paid by (*Name of mortgagee*) do hereby grant, bargain, sell and convey unto (*Name of mortgagee.*) and.....assigns, all the following mentioned goods and chattels, to-wit: (*Here give a full list of the chattels to be mortgaged.*)

To have and to hold unto the said (*Name of mortgagee.*) and assigns, Hereby Covenanting that the title to said goods and chattels hereby conveyed is free, clear and unincumbered, and that.....will warrant and defend the same against the lawful claims of all persons whomsoever. The condition of this mortgage is such, that whereas the said (*Name of mortgagor.*) indebted to the said (*Name of mortgagee.*) in the sum of .....dollars which is due and payable as follows, to-wit:

(*Here state how payment of money to be made.*)

accordingto the terms of.....note of even date herewith. Now if said.....shall well and truly pay or cause to be paid said money.....as the same shall fall due, then this mortgage to be void, otherwise in force. And it is further agreed that in case any

default shall be made in the payment at the time aforesaid of the whole of any part of said money.....it shall and may be lawful for said (*Name of mortgagee.*) or.....assigns, immediately thereafter, to enter and take possession of said goods and chattels, wherever the same may be found, and sell and dispose of the same at public or private sale for the best price.....can obtain, and out of the money arising from such sale to retain and pay all the indebtedness hereby secured and said interest and all the expenses of the sale.....and taking care of and removing said property, and.....dollars as an attorney fee, should any proceedings be taken to foreclose this Indenture, rendering the surplus, if any, to said (*Name of mortgagor.*) or.....assigns. And until default, as aforesaid, is made in said payment.....the possession of said goods and chattels may remain with said (*Name of mortgagor.*) unless said (*Name of mortgagee.*) and assigns shall consider it necessary for.....security to take the same into.. .....own possession, in which case.....shall have the right to do so, and hold the same until the power to foreclose hereinbefore given shall take effect.

In witness whereof, the said (*Name of mortgagor—owner.*) hath hereunto set.....hand.. and seal..this.....day of..... A. D. 19.....

Signed, sealed and delivered
in the presence of

———————————— ————————————[L. S.]

———————————— ————————————[L. S.]

Oath of Mortgagor.

State of Michigan,
County of.....ss.
.....being duly sworn deposes and says that..he[1] .....the mortgagor..named in the annexed chattel mortgage, that he has knowledge of the facts and that the consideration of said instrument was actual and adequate and that the same was given in good faith for the purposes therein set forth.

.....

Subscribed and sworn to before me this.....day of.....190..

.....

Notary Public,.....County, Michigan.

My commission expires.....19....

NOTE: [1] Insert "is" or "is one of" or "he makes this affidavit for"

Affidavit for Renewal of Chattel Mortgage.

State of Michigan,
County of.....ss.
.....of.....being duly sworn, deposes and says he is.....the owner of a cerain Chattel

Mortgage, given by..... and
the....day of.....A. D. 19... and filed in the office of the.....
of..... in said county, on the.....day of.....A. D. 19...
at....o'clock....M; and he makes this affidavit for and in behalf of.....
....., being acquainted with the facts; that there is due and remaining unpaid on said Mortgage the sum of.....Dollars, and interest from.....which said sum constitutes the interest of said.....in the property in said mortgage mentioned and described, and said mortgage is hereby renewed for the amount above written. Further deponent saith not.

.....

Subscribed and sworn to before me, this.....day of.....
A. D. 19....

.....

Notary Pulic.....County Michigan.

My commission expires..... 19....

NOTE: If affidavit is made by agent or attorney, inesrt after words "and says he is" the following: "the Attorney of ....." or "the Agent of ....." as the case may be, and after the words "in behalf of" insert the words "said owner," and if made by owner of Mortgage, insert the word "himself."

IX. GUARANTY.

Guaranty of Payment for Goods Sold to Another

To RICHARD ROE & Co.,
Columbus, Ohio.

DEAR SIRS:—I hereby guarantee payment to you for all goods which you may sell to A B, to the amount of one hundred dollars ($100.00.)

Dated this 12th lay of July, 1908.

Yours very truly,

C. D.

Notice of Acceptance of Guaranty

To C. D.,
City.

DEAR SIRS—We hereby notify you that we have this day accepted your guaranty on behalf of A. B., and will sell him goods in accordance with the terms of said guaranty.

Yours truly,

RICHARD ROE & Co.

Guaranty in Sale of Horse.

COLUMBUS, OHIO, July 12, 1908.

In consideration of one hundred and fifty dollars ($150.00) to me paid by A. B. for a bay mare, named Topsy, I hereby guarantee to

the said A. B. that the said mare is only seven years old, sound in all respects, free from all kinds of viciousness, and quiet to work or drive.

C. D.

Guaranty of Rent, Indorsed on Lease.

In consideration of the making of the within written lease, I do hereby covenant and agree with the within named lessor, his heirs, executors, administrators, and assigns, that if default shall at any time be made by the said lessee, his executors, administrators, and assigns, in the payment of the rent or the performance of the covenants in the within lease contained, on his or their part to be paid and performed, that I will well and truly pay the said rent, or any arrears thereof, that may remain due, and also all damages that may arise in consequence of the non-performance of said covenants, or either of them, without requiring notice of any such default from the said lessor or other person having his estate in said premises.

Witness my hand seal this 12th day of July, 1908.

C. D.

X. INDORSEMENT.

Indorsement, is a writing on the back of a note, check, bill, draft or other written instrument. The kinds of indorsement are, Blank, Full, Qualified, Restrictive, and Conditional. The purpose of an indorsement may be to transfer the instrument, record a payment made thereon, or to guarantee the payment thereof, or for any other purpose where the intent of the parties with reference to an instrument may be made clear by a writing upon the back of the instrument. The following forms will serve to illustrate:

Indorsement in Blank.

JEREMIAH C. ALEXANDER.

Indorsement in Full

Pay to the order of Samuel J. Penfield.

JEREMIAH C. ALEXANDER.

Qualified, or Without Recourse.

Pay to Samuel J. Penfield, or order, without recourse on me.

JEREMIAH C. ALEXANDER.

Restrictive Indorsement.

Pay to Samuel J. Penfield only (*or, for my use*).

JEREMIAH C. ALEXANDER.

Conditional Indorsement.

Pay to Samuel J. Penfield, or order, unless notice is given by me, before maturity, not to pay.

JEREMIAH C. ALEXANDER.

Money Indorsement.

Paid on the within note, June 26th, 1908, Fifty dollars ($50.00).

JEREMIAH C. ALEXANDER.

Indorsement by Agent.

JEREMIAH C. ALEXANDER.
By J. C. SMITH, Agent.

Indorsement of Guaranty.

For value received, I hereby guarantee the payment of the within note.

JEREMIAH C. ALEXANDER.

Indorsement of Assignment or Transfer.

For value received, I hereby sell, assign and transfer all of my right, title and interest in and to the within account (*or note, as the case may be*) to Samuel J. Penfield.

JEREMIAH C. ALEXANDER.

XI. ORDERS.

For Payment of Money.

$26.00. ALBION, MICHIGAN, July 15, 1908.

James Cleary, Esq.:

DEAR SIR: Please pay to the Brown Grocery Co., the sum of Twenty-six Dollars, and charge to my account.

Very truly,

J. M. BLAKE.

To Furnish Goods to Another.

BALDWIN, MICHIGAN, July 15, 1908

People's Clothing Co.:

GENTLEMEN: Please let the bearer, John Smith, have a suit of clothes and such other articles of clothing as he may wish to purchase; the total amount not to exceed Twenty-five Dollars, and I will pay you.

Very truly,

J. M. BLAKE.

Another Form for Same Purpose

BALDWIN, MICHIGAN, July 15, 1908.

People's Clothing Co.:

GENTLEMEN: Please let the bearer, John Smith, have clothing to the amount of Twenty-five Dollars and charge to my account.

Very truly,

J. M. BLAKE.

For Delivery of Fruit Trees.

BATTLE CREEK, MICHIGAN, October 1, 1908.

John Kraner, Esq., Agt. Painesville Nurseries:

DEAR SIR: Please deliver the fruit trees ordered by me, to the bearer, James Masters, who will pay you the sum of Fourteen Dollars due for same. Yours truly,

H. C. WELLS.

For Delivery of Hogs.

CLARKSVILLE, MICHIGAN, November 2, 1908.

Samuel Schwenker, Esq.:

DEAR SIR: Please deliver the twenty-seven head of hogs, which I purchased of you last week, to the bearer, Amos Whitman, and bring weights to me for settlement, and oblige,

WILLIAM STOCKMAN.

Order for Shipment of Apples.

COLDWATER, MICHIGAN, October 6, 1908.

Herman Strader, Esq.:

DEAR SIR: Please ship apples which I recently purchased of you, to Merchant & Co., Cincinnati, Ohio, not later than October 15, and oblige,

Yours truly,

A. L. BOUGHTMAN.

XII. PROMISSORY NOTES.

Note for Principal.

$..... .....Michigan.....190..

.....after date.....promise to pay to the order of.....

.....Dollars,

Value received, at.....

with.....per cent. interest per annum

.....

.....

payable.....annually.

Note for Interest.

$\$$..... .....Michigan.....190..
.....after date.....promise to pay
to the order of.....
.....Dollars.
Value received, at.....
with interest at....:.per cent. per annum
.....
after maturity, payable.....annually.
.....

This note is given for the interest due at the maturity hereof upon a principal note of even date herewith.

Negotiable Note.

$100.00 LANSING, MICHIGAN, January 10, 1908.

One year after date I promise to pay Richard Roland, or order, One Hundred Dollars, with 6% interest per annum from date; value received.

RICHARD MANSFIELD.

Negotiable and Payable in Bank.

$500.00. CRYSTAL FALLS, MICHIGAN, Jan. 10, 1908.

Sixty days after date I promise to pay Robert Sheldon, or order, Five Hundred Dollars, at the Central City Bank, with interest at 6% per annum from date; value received.

RICHARD MANSFIELD.

Note Not Negotiable.

$200.00. DETROIT, MICHIGAN, June 10, 1908.

One year after date I promise to pay Richard Roe, Two Hundred Dollars with interest at 5% per annum from date; value received.

JOHN DOE.

Note with Legal Interest from Date.

$700.00. DEXTER, MICHIGAN, April 30, 1908.

One year after date I promise to pay William Buck, or order, Seven Hundred Dollars, with interest from date; value received.

JAMES QUIGLEY.

Note Bearing Legal Interest from Maturity.

$100.00. FRANKFORT, MICHIGAN, June 10, 1908.

Three months after date I promise to pay Richard Roe, or order, One Hundred Dollars; value received.

JOHN DOE.

Note Payable on Demand.

$100.00. GAYLORD, MICHIGAN, Feb, 1, 1908.

On demand I promise to pay Richard Roe, or order, One Hundred Dollars, with interest at 6% per annum; value received.

JOHN DOE.

Note with Surety.

$100.00. HOUGHTON, MICHIGAN, March 1, 1908.

Nine months after date, we, Richard Roe as principal, and John Doe as surety, promise to pay Thomas Benton, or order, One Hundred Dollars, with 5% interest per annum. value received.

RICHARD ROE, *Principal,*
JOHN DOE, *Surety.*

Joint Note.

$100.00. MANISTEE, MICHIGAN, April 22, 1908.

Six months after date, we promise to pay Robert Sheldon, or order, One Hundred Dollars, with interest at 6% per annum; value received.

RICHARD MANSFIELD.
THOMAS BENTON.

Joint and Several Note.

$400.00. MIDLAND, MICHIGAN, January 10, 1908.

One year after date, we, or either of us, promise to pay Robert Sheldon, or order, Four Hundred Dollars, with 6% interest from date; value received.

RICHARD MANSFIELD,
THOMAS BENTON.

Chattel, or, Note Payable in Specific Articles.

$200.00. OXFORD, MICHIGAN, Feb. 22, 1908.

On demand I promise to pay Richard Roe, at my farm, two Hundred Dollars in corn at the market price when demand is made; value received.

JOHN DOE.

Note, When Maker Cannot Write.

$100.00. QUINCY, MICHIGAN, September 15, 1908..

One year after date I promise to pay Russell Worthington, or order, the sum of One Hundred Dollars, with interest at 6% per annum.

his
Signed in the presence of: JAMES × SMITHSON.
JOSEPH LOWDEN. mark

Note for Work and Labor.

$45.00. ROMULUS, MICHIGAN, Jan. 10, 1908.

Three months after date I promise to pay Edward Day, or order, Forty-five Dollars, with interest at 6% per annum; value received in work and labor performed by him.

RICHARD ROE.

Due Bill.

$28.00. STANDISH, MICHIGAN, February 8, 1908.

Due Richard Roe, Twenty-eight Dollars; value received.

JOHN DOE.

Due Bill Payable in Produce.

$16.00. MAYLAND, MICHIGAN, Feb. 15, 1908.

Due Robert Sheldon, Sixteen Dollars, to be paid in hay or oats at my farm at market price.

RICHARD MANSFIELD.

Note with Collateral Security.

$..... .....Michigan.....190..

.....after date, ...promise to pay to the order of .....Dollars, at the.....for value received, with interest at the rate of.....per cent. per annum, after.....

Having deposited and pledged with.....as collateral security for the payment of this Note, and any other indebtedness due, or to become due, from.....to said.....or.....assigns,. ı.....hereby authorize the sale of said security at public or private sale or otherwise, and with or without notice, on the non-performance of this promise, and said .....may become the purchaser thereof, and it is hereby agreed that if said security, in the opinion of said.....shall depreciate in value, said.....may elect without notice that this obligation is due and payable on demand.

It is further agreed, that said.....shall have the right to hold and apply, at any time, ... own indebtedness or liability to the maker..hereof, as security for the payment of any liability due or to become due from maker.. hereof.

.....

.....

Note with Collateral Security.

(ANOTHER FORM.)

$500.00. DETROIT, MICHIGAN, August 5, 1908.

Six months after date, I promise to pay to the order of the Detroit River Bank, of said city, Five Hundred Dollars, with interest at 6% per annum value received.

As collateral security for the payment of the same, I have this day pledged to the said Detroit River Bank, or holder hereof, the following property, to-wit: Five shares of the capital stock of the Southern Trading Company. And I hereby give the holder thereof full power and authority to sell or collect at my expense, all or any part or portion thereof, at any place, either in the city of Detroit or elsewhere, at public or private sale, at its option, on the non-performance of the above promise, and at any time thereafter, and without advertising the same, or otherwise giving me any notice. In case of public sale, the holder may purchase without being liable to account for more than the net proceeds of said sale.

JOHN DOE.

Judgment Note.

$200.00. LANSING, MICHIGAN, December 2, 1908.

Ninety days after date, I (or we, jointly and severally) promise to pay Richard Doe, or order, at the Capital Post Bank, Two Hundred Dollars, with interest at 5% per annum; value received.

And I do hereby authorize any attorney-at-law to appear for me in an action on the above note, at any time after the same becomes due in any court of record in the State of Michigan waive the issuing and service of process (summons) against me, and confess judgment in favor of the legal holder of the above note against me, for the amount that may be due thereon, with costs of the suit (*including ..... dollars attorney's fee, if agreed*), and to waive and release all errors in said proceedings and petitions in error and right to second trial.

JOHN DOE.

Swindling Note.

Lansing, Michigan, February 15, 1908.

Six months after date I promise to pay to John Doe, or bearer, ten dollars when I sell by order two hundred and sixty-five dollars [$265.00] worth of Patent Butter Churns. for value received, at seven per centum per annum, Said ten dollars when due is payable at Lansing, Michigan. Agent for John Doe.

SIMON GULLIBLE.

NOTE — But cutting off the right end of the above agreement, Doe has the note of Gullible without conditions. The note will then be sold to a third party who will proceed to collect it when due.

Bond for Payment of Money.

(NAME OF PRINCIPAL.)

Know all men by these presents, that (*name of principal*), of the .....of.....*in the County of.....and State of Michigan bound unto (*name of payee*), of the said.....in the sum of.....dollars, good and lawful money of the United States, to be paid the said (*name of payee*), executors, administrators, or assigns, for which payment well and truly to be made do bind.....heirs, executors and administrators, jointly and severally, firmly by these presents.

Sealed this.....day of.....in the year of our Lord one thousand nine hundred and.....(190..).

The condition of this obligation is such, that if the above bounden .....h..heirs, executors and administrators, or any of them, shall well and truly pay or cause to be paid, unto the above named (*name of payee*), executors, administrators or assigns, the just and full sum of.....dollars, in the (*here state the installments or payments*), payment from the date hereof.....with interest thereon at the rate of.....per cent. per annum.....payable..... with such installments.....without fraud or other delay, then this obligation to be void; but if default be made in payment of any or either of said sums, on the day on which the same ought to be paid, as aforesaid, then this obligation shall remain in full force.

Sealed and delivered
in the presence of

_____ _____[L. S.]

_____ _____[L. S.]

_____ _____[L. S.]

NOTES: A promissory note is a written engagement of one person to pay another person therein named, absolutely and unconditionally, a certain sum of money at a time specified therein.

A note executed by a minor is voidable, not void, because the minor, may, upon becoming of age, confirm it.

A married woman's note is valid.

A note signed by a person when intoxicated is valid if such person knew the nature of his act and was aware of what he was doing.

A note made on Sunday is void.

Notes given to prevent criminal proceedings are void.

Bohemian Oats Notes are void as between the maker and payee, and any one having knowledge of the nature of the transaction, so, also, any note given in a transaction which is contrary to public policy.

A note, the person who purporting to maker of which signed the same by procurement through fraud and deceit, is not collectible in the hands of a bona fide purchaser.

The words "value received" are not necessary to the validity of a promissory note, but are an admission by the maker of adequate consideration throwing the burden immediately upon him to show want of consideration if he should offer that as a defence in an action brought to collect the note.

Any material alteration of a note without the consent of the person responsible on it will make it void as to such person, even in the hands of a bona fide purchaser.

As a general rule, it may be considered that a promissory note, in the hands of a bona fide holder for value and without notice, is not subject to defenses, and renders the maker liable for payment, at all events; but if note was obtained by force, fraud or theft before delivery, or has been fraudulently altered, or was obtained by such fraudulent means as to make it, in effect, a forgery, payment could not be enforced even by a bona fide holder.

XIII. RECEIPTS.

Receipt on Account.

$14.00. LANSING, MICH., February 24, 1908.

Received of Wm. Sheldon, Fourteen Dollars to be applied on account.

JNO. MANSFIELD.

Receipt in Full of Account.

$84.00. LANSING, MICH., February 28, 1908.

Received of Wm. Sheldon Eighty-four Dollars in full of account of money due for wood.

JNO. MANSFIELD.

In Full of all Demands.

$300.00. MONROE, MICH., March 1, 1908.

Received of James Johnson, Three Hundred Dollars in full of all demands.

CLARKE WOODSON.

Receipt for Rent.

$15.00. FLINT, MICH., Feb. 15, 1908.

Received of Herman Ford, Fifteen Dollars in full payment of rent to February 1st, 1906, for residence at No. 66 Wicker street.

SIMON LEELAND.

Receipt of Payment on a Note.

(*Must be indorsed on note.*)

January 6th, 1902, received on the within note Fifty Dollars ($50.00.)

Receipt to Third Party.

$80.00. ADRIAN, MICH., June 6, 1908.

Received of Harrison Hanford by the hand of Samuel Haynor, Eighty Dollars, in full settlement of the account of said Hanford.

HUGH HUBBARDSON.

Receipts for Papers, Etc.

HILLSDALE, MICH., March 1, 1908.

Received of Heber Tolman, two bonds of the State Traction Co., of $100 each, and one promissory note of $200, dated August 1st, 1901, and signed by Joseph Meier; said property to be re-delivered to said Heber Tolman on demand. ROBERT SHERMAN.

XIV. WILL.

I, (*name of testator here*), of (*residence*), in the County of (*name of county*), and State of Michigan being of sound mind and memory, do make, publish and declare this to be my Last Will and Testament, in manner following, viz:

First, I will and direct that all my just debts and funeral expenses be paid in full.

Second, I give, devise and bequeath.....

Third, ...

Fourth, ...

Fifth, ...

Sixth, I hereby appoint (*name of person appointed executor or executrix*), of (*residence of such person appointed*), Executor of this my Last Will and Testament.....

Lastly, I hereby revoke all former wills by me at any time made.

In witness whereof, I have hereunto set my hand and seal this .....day of.....in the year of our Lord one thousand nine hundred and ..... (190..).

_____[SEAL.]

On this.....day of.....A. D. 190.. (*name of testator*), of (*residence*), in the County of.....and State of Michigan signed the foregoing instrument in our presence, and declared it to be h..Last Will and Testament, and as witnesses thereof we do now, at h.. request, in h.. presence, and in the presence of each other, hereto subscribe our names.

_____, residing at _____

_____, residing at _____

CHAPTER 35.

Model Business Letters.

Letter of Introduction.

DETROIT MICH., April 1, 1908.

David Parker, Esq., Halsey P. O., Michigan:

DEAR SIR: I have the pleasure of introducting to you my friend, Mr. B. M. Harris, of this city. He intends visiting your community in a few days on business matters, and will call on you, at my suggestion. Any favors you may show him will be highly appreciated by him as well as myself.

Yours very truly,

H. E. BENJAMIN.

Another Form.

HALSEY P. O., MICHIGAN, April 1, 1908.

H. E. Benjamin, Esq., Detroit, Mich.:

DEAR SIR: Permit me to introduce to you Mr. B. M. Harris, a prominent farmer and stockraiser in this locality. He will visit Detroit for the transaction of some business. As he will be a stranger there I feel that you can give him information that will be valuable to him. Any courtesies you may show him will be fully appreciated by him and myself.

Yours truly,

DAVID PARKER.

Inquiry as to Responsibilty.

DETROIT MICH., April 1, 1908.

David Parker, Esq., Halsey P. O., Michigan:

DEAR SIR: We have an order for one of our machines from John Doe, a farmer residing in your neighborhood. As he asks for credit as to part payment of the purchase price of the machine, we desire to inquire of you as to his financial responsibility, etc. We assure you that all information given us will be treated in a strictly confidential manner.

Please send us the desired information at once and greatly oblige,

Yours truly,

QUEEN CITY CO.

Favorable Answer.

HALSEY P. O., MICHIGAN, April 3, 1908.

Lake City Co., Detroit, Michigan:

GENTLEMEN: Your favor of the 1st inst. with reference to John Doe is at hand. In answer thereto I wish to say that Mr. Doe has a very high credit at home, pays his obligations promptly and has the means of meeting any debt which he may contract for a machine.

Yours truly,

DAVID PARKER.

Unfavorable Answer.

HALSEY P. O., MICHIGAN, April 3, 1908.

Lake City Co., Detroit, Michigan:

GENTLEMEN: Yours of the 1st inst. regarding John Doe received. In answer I will say that Mr. Doe for some time back has been asking extensions on his obligations, and, while apparently honest, is not credited by business men who know him, with having either the means or ability to pay promptly. He is not regarded as a good risk.

Yours confidentially,

DAVID PARKER.

Letter to Insurance Company Announcing Loss by Fire.

HILLSDALE, MICHIGAN, May 17, 1908.

John Doe, Esq., Agent Aetna Fire Insurance Co., Detroit, Mich.:

DEAR SIR: The barn located on my premises which I insured in the Aetna Fire Insurance Company through you on September 10, 1908, for $800, was destroyed by fire, Sunday, May 9, 1908. The number of the policy is 167181. Please come and view the premises and adjust the matter as soon as possible, and oblige,

Yours respectfully,

RICHARD ROE.

Letter to Agricultural Experiment Station.

STANTON, MICHIGAN, April 18, 1908.

Superintendent Agricultural Experiment Station:

DEAR SIR: Will you please put me on the mailing list to receive your monthly bulletins and such other matters issued by you as will be of benefit to me.

Yours truly,

JOHN FARMER.

Letter to State Representative, or Senator.

GRAYLING, MICHIGAN, April 15, 1908.

Hon. Simon Blank, Representative, Lansing, Michigan:

DEAR SIR: I have been informed that Mr. ..... member from ....., has introduced a bill to (*Here state the object of the bill.*)

Will you kindly procure a copy of the bill and forward same to me, as I wish to examine its provisions. My information leads me to believe that (*Here say it is a meritorious measure, or, is not a meritorious measure*). I would be pleased to have your opinion on the merits of the said measure.

Yours truly,

H. K. LUKENS.

Letter to Congressman.

HILLSDALE, MICHIGAN, May 1, 1908.

Hon. Richard Roe, M. C., Washington, D. C.:

DEAR SIR: As one of your constituents I write to ask that you procure for me the last report of the Secretary of Agriculture, which I want for the discussion it contains on the diseases of cattle and swine. I wish, also, that you place me on your mailing list, and the mailing lists in such government departments as will secure me all the agricultural reports, etc., that are for distribution to the people and which will be of benefit to me in my occupation of farming. I will be under many obligations to you for the above favors.

Yours truly,

JOHN DOE.

Letter to Township or County Officers, Regarding Stock Running at Large.

EDEN, MICHIGAN, June 22, 1908.

To the Honorable Board of Supervisors, ... Township:

GENTLEMEN: About twenty head of live stock are running at large on the public highway in this vicinity, much to the annoyance of myself and others, and to the great damage of young trees planted along the roads and growing crops in adjoining fields. Please take such measures at once as will abate this great nuisance and save further destruction of property.

Yours truly,

A. B.

Regarding Breachy Stock.

LAMBERT, MICHIGAN, June 15, 1908.

John Doe, Esq.:

DEAR SIR: Your cattle have been in my wheat and my corn within the past week doing considerable damage in the former. As I have taken all reasonable precautions to put the fences in good repair without effect, I am obliged to ask you to use such means as will keep your cattle out of my crops. Please give this matter your immediate attention and oblige, Yours truly,

RICHARD ROE.

Regarding Diseased Stock.

HOMER, MICHIGAN, May 15, 1903.

John Doe, Esq.:

DEAR SIR: I wish to caution you not to let your sheep, which are infected with both grub and foot-rot, run out on the public road again until said diseases have been cured or the sheep disposed of. I am obliged to take my sheep over the same road, and should they become infected with either of those diseases I would be compelled to look to you for damages. I want to avoid all matters of that nature and the loss which would result to both of us. Therefore I offer the above suggestion.

Yours truly,

RICHARD ROE.

Regarding Repair of Line Fence.

NEWARK, MICHIGAN, April 15, 1908.

John Doe, Esq.:

DEAR SIR: As I want to put stock on my pasture as soon as the season opens I hope you will repair your part of the line fence between us, which is much out of condition and will not turn stock. I have already repaired my part and trust you will attend to yours by April 30th.

Yours truly,

RICHARD ROE.

Regarding Cleaning Joint Open Ditch

CLOVERDALE, MICHIGAN, April 1, 1908.

John Doe, Esq.:

DEAR SIR: I am ready to clean out the portion of the ditch assigned to me, but it is useless to begin the work until you clean your part below me, as the upper part we will fill up at once unless the lower sections are cleaned first. Please do the work assigned to you as soon as possible and greatly oblige, Yours truly,

RICHARD ROE.

Announcing Financial Embarrassment, and Asking Extension of Time for Payment of Obligation.

ADDISON, MICHIGAN, October 1, 1908.

Harmon & Co., Chicago, Ill.:

GENTLEMEN: On account of failure of my wheat crop this season and later, the loss the thirty head fat hogs by cholera, I find myself unable to pay my debts, and among them, the one of $115.00 owing you for machinery. While extremely embarrassing to me to do so, I am compelled, because of said losses which I have sustained, to ask you and all others to whom I am indebted to wait until next season for payment. My corn crop is all that I have left and it will not more than pay my rent and carry me through to next harvest. Under these circumstances, I hope you will arrange to extend me at least ten months further time. I am willing to pay interest during extension, and will endeavor to discharge the obligation promptly at the end of the period. Hoping for a favorable response, I am

Yours truly,

RICHARD ROE.

Answer to Above.

CHICAGO, ILL., October 5, 1908.

Richard Roe, Addison, Michigan:

DEAR SIRS Your favor of the 1st received. In answer thereto we will say that while we were fully expecting payment of the amount you owe us, we are willing to assist you in your exceedingly unfortunate condition. As we cannot make use of over-due paper, we ask that you take up the old note with a new one covering time of extension for payment. One of our representatives will be in your locality within a few days, and will come to see you and arrange the matter with you.

Yours truly,

HARMON & CO.

Notices Regarding Note About to Fall Due.

LATHROP, MICHIGAN, June 1, 1908.

John Doe, Esq.:

DEAR SIR: Your note of $150 will become due June 15, 1908. Please pay the same promptly and oblige,

Yours truly,

RICHARD ROE.

LATHROP, MICHIGAN, June 1, 1908.

John Doe, Esq.:

DEAR SIR: Regarding your note which is now seven months past due, and which I have been holding for your accommodation, I am

obliged to ask that you make payment within the next ten days. Please be ready to take up the note within that time and greatly oblige,

Yours truly,

RICHARD ROE.

Apology for Delay in Payment of Note.

LATHROP, MICHIGAN, June 3, 1908.

Richard Roe, Esq.:

DEAR SIR: I regret deeply that I have not been able to meet my obligations promptly, but the circumstances causing delay were not within my control. I am now regaining lost ground, however, and will pay your note within the time specified by you. Enclosed find my check for $50 as a partial payment. The balance will be paid promptly according to request.

Yours truly,

JOHN DOE.

Requesting Settlement of Account.

FLINT, MICHIGAN, June 1, 1908.

H. B. Rowley, Esq., Chandler, Mich.:

DEAR SIR: As we are under the necessity of meeting our obligations promptly, we are compelled to ask payment of those who owe us. Since your account is now more than two months past due, we hope to receive a remittance this week covering the same.

Yours respectfully,

HOWARD & CO.

Letter Declining to Extend Further Time to Pay Obligation.

FLINT, MICHIGAN, May 1, 1908.

John Dearborn, Esq., Middletown, Pa.:

DEAR SIR: Your favor of June 28th, requesting further time in which to make payment of your note received. In answer thereto I am obliged to say that I can not consent to another extension. Please prepare to take up said note according to agreement made some time ago, and greatly oblige,

Yours truly,

SAMUEL HARRISON.

Requesting Payment of Rent of House.

RIDGEWAY, MICHIGAN, April 3, 1908.

Mr. John Doe:

DEAR SIR: The monthly rent of ten dollars for the month of March for the use of the house you are now occupying is due at the present

time. Please forward that amount to me as soon as possible that we may keep the account in accordance with our agreement.

Yours truly,

RICHARD ROE.

Tenant to Landlord, Requesting Extension of Time to Pay Rent.

MARSHALL, MICHIGAN, September 1, 1908.

John Doe, Esq.:

DEAR SIR: Because of very unfortunate circumstances surrounding me and of which you already have knowledge, I will not be able to pay this years rent when the same falls due October 1st, next, but I have arrangements completed to make payment in full on or before January 1st, 1909. Trusting that you will be able to afford me this accommodation, I am,

Yours truly,

RICHARD ROE.

Answer of Landlord to Foregoing Request.

MARSHALL, MICHIGAN, September 3, 1908.

Richard Roe, Esq.:

DEAR SIR: Yours of September 1st, received. I am fully aware of your reasons for desiring more time for payment of rent, and I wish to assure you, without delay, that it affords me much satisfaction to grant your request, since you have always been prompt heretofore in your payments. Hoping that your plans will mature as you have laid them, I am

Yours truly,

JOHN DOE.

Refusal of Tenant to Pay Rent.

HOWELL, MICHIGAN, September 1, 1908.

John Doe, Esq.:

DEAR SIR: On account of your failure to repair ditches and underdrains as you agreed, when I took your farm, I suffered great loss from the spring freshets. As it was through your neglect that my loss occurred I do not feel under obligation to comply with your request for the payment of rent. You understand the situation I am in, therefore I wish to say that further demand upon me will be useless.

Yours respectfully,

RICHARD ROE.

Letter Requesting a Loan of Money.

PONTIAC, MICHIGAN, March 15, 1908.

John Doe, Esq., Howell, Michigan:

DEAR SIR: On account of some extraordinary expenses entailed upon me by reason of turnpike assessment, etc., I am obliged to procure a loan of $100 until after harvest. If you have that amount at your disposal, I would be pleased to have it for eight months. I am willing to pay 7% interest and give you good security. An early reply will be appreciated.

Yours truly,

RICHARD ROE.

Favorable Answer.

HOWELL, MICHIGAN, March 16, 1908.

Richard Roe, Esq., Pontiac, Mich.:

DEAR SIR: Yours of yesterday received. In answer I wish to say that I have the money and will accommodate you any day you may come over.

Yours truly,

JOHN DOE.

Unfavorable Answer.

HOWELL, MICHIGAN, March 16, 1908.

Richard Roe, Esq., Pontiac, Mich.:

DEAR SIR: Yours of yesterday received. In answer thereto I wish to say that I would be pleased to accommodate you, but on account of failure in payment of money owing me I am not now in a position to spare the amount you need. I trust you will not have difficulty in procuring it elsewhere.

Yours very truly,

JOHN DOE.

Letter to Tenant Advising Certain Crops.

MASON, MICHIGAN, March 1, 1908.

John Doe, Esq.:

DEAR SIR: Regarding the spring crops, I would suggest that you put all of the lower field in corn, excepting about four acres on the south side, which I think should be sowed in oats. You will remember that we discussed this matter a couple of months ago, but did not arrive at any definite conclusion as to this one field. I will not come out to the farm until May 1, therefore I am obliged to make the above suggestion by letter. Hoping that you may view this matter as I do, and wishing you success with your work, etc., I am,

Yours truly,

RICHARD ROE.

Letter to a Prospective Tenant for Farm.

COLDWATER, MICHIGAN, March 1, 1908.

Joseph Rogers, Esq., Bucyrus, Michigan:

DEAR SIR: I am informed that you intend leaving the farm where you are now living and that you want to rent another. If my information is correct and you have not yet secured another place, I would be pleased to have you come to see me at once with reference to taking my farm of one hundred and twenty acres, one mile south of this village. If you can not come, please telephone me tomorrow evening at my expense.

Yours truly,

SAMUEL HASKINS.

Letter to Farm Hand.

CHARLOTTE, MICHIGAN, February 1, 1908

John Doe, Esq.:

DEAR SIR: If you are not yet engaged for the season please call and see me this week or the first of next. I am willing to pay you eighteen dollars per month and board and washing for nine months, beginning March 1st, next. Please come or write, informing me whether the above terms will be satisfactory. I am ready to enter into a written agreement any day you may come.

Yours truly,

RICHARD ROE.

Application for Employment as Farm Hand.

HASTINGS, MICHIGAN, February 1, 1908.

John Doe, Esq.:

DEAR SIR: If you have not yet employed any one to work for you on your farm during the coming season I would be pleased to call and see you with reference to securing the place. I can furnish the best of recommendations, etc. Hoping to hear from you at your earliest convenience, I am

Yours truly,

JOHN DAY.

Recommending a Farm Hand.

CENTREVILLE, MICHIGAN, February 18, 1908.

To Whom it May Concern:

This is to state that John Doe has been working with me on my farm for the past three years. During that time he has always been industrious and willing to work. He is careful and can at all times be trusted fully. Any additional information will be given on inquiry.

Yours respectfully,

R. M. COLE.

Application for Position as Domestic.

St. Joseph, Michigan, February 15, 1908.

Mrs. A. King:

Dear Madam: If you are in need of assistance in your house-work, I would be pleased to have you give me a trial. I have had five years' experience and can take full charge, including cooking, if occasion should require. I have the best of reference and am idle now only because of my former employer, Mrs. B. having moved to New York, as you well know.

Please may I hear from you at once or within a day or two at farthest, and greatly oblige,

Yours very truly,

Miss Carrie Christie.

Requesting Reference, Etc.

Augusta, Michigan, October 20, 1908.

Mr. John Doe, Lansing, Michigan:

Dear Sir: I have your letter at hand requesting employment with me during the winter. I am in need of a young man this coming winter to care for the stock. As we have had no previous acquaintance I would be pleased to have you send me a letter of recommendation from your former employer and any other reference you may have.

Yours truly,

Richard Roe.

Letter Recommending a Gardener.

Lansing, Michigan, March 1, 1908.

To Whom it May Concern:

I have had Mr. James Blucher in charge of my gardens for the past four seasons, but having now given up said gardens, Mr. Blucher will seek employment elsewhere. In severing relations with him I wish to say on his behalf that he is an honorable man and a gentleman, and has no superiors and few equals in his occupation of chief gardener. Any one wishing to employ him, may, if more information regarding him is desired, call and see me, or write to me for further particulars.

Respectfully,

James Kingsley.

Recommending a Farm Tenant.

Lapeer, Michigan, February 28, 1908.

To Whom it May Concern:

This is to certify that the bearer, Richard Roe, has been a tenant on my farm during the last three years. He is a man of industrious

habits and understands the management of a farm so as to make it most productive. Any additional information regarding Mr. Roe will be given on inquiry.

Yours respectfully,

JOHN DOE.

Inquiry for a Reliable Commission Merchant.

IONIA, MICHIGAN, May 15, 1908.

The Produce Bank, Chicago, Ill.:

GENTLEMEN: Will you please send me the name of a reliable firm of commission merchants, handling fruits, vegetables, etc., in Cincinnati, and greatly oblige.

Stamp enclosed for reply. Yours truly,

RICHARD ROE.

Inquiry Concerning Price of Potatoes.

IONIA, MICHIGAN, October 1, 1908.

John Doe & Co., Commission Merchants, Chicago, Ill.:

GENTLEMEN: Please quote me your best prices for good potatoes (Early Ohio) and oblige. I have about 150 bushels myself, and can get enough to make a car load. If prices suit, I will make a shipment by the 10th of the month. Awaiting an early reply, I am

Yours truly,

RICHARD ROE.

P. S. — You are recommended to me by the Home Banking Co.

Letter Announcing Intent to Ship Potatoes.

IONIA, MICHIGAN, October 4, 1908.

John Doe & Co., Chicago, Ill.:

GENTLEMEN: Your quotation of 65 cents per bushed for potatoes delivered in Chicago received. As you also announce that the market is improving I will ship you a car load by the 10th and will sell on the market at that date. Yours truly,

RICHARD ROE.

Announcing Shipment of Potatoes.

IONIA, MICHIGAN, October 10, 1908.

John Doe & Co., Chicago, Ill.:

GENTLEMEN: I have this day shipped you one car load of good potatoes, via .....Ry. They will probably arrive in Chicago

tomorrow. Please sell them to best advantage and remit, less freight and your commission. Find bill of lading inclosed.

Hoping that the markets are up, I will await returns from you.

Yours truly,

RICHARD ROE.

Letter of Credit.

DETROIT, MICHIGAN, June 15, 1908.

Felix Fournier & Co., New Orleans, La.:

GENTLEMEN: Please extend John Doe, Esq., credit for such farming machinery as he may select, to an amount not exceeding five hundred dollars ($500.00) for six months and I will be responsible to you for the payment, should he fail to discharge the obligation at the date of maturity.

Kindly inform me of the amount of his purchase and the date on which it will fall due. Should he default in payment, please notify me of the fact without delay.

Yours respectfully,

RICHARD ROE.

Application of Farmer to Employment Agency for Help During Harvesting Season.

DEERFIELD, June 1, 1908.

Supt. Michigan Free Employment Bureau, Detroit, Mich.:

DEAR SIR: I wish to secure four men to help me during the harvesting season. I will have ten days' work beginning about June 20. I will pay $1.75 per day and board, lodging and railroad fare from Detroit to Deerfield. Please let me know within the coming week what the prospects are for getting them through the State Bureau.

Yours truly,

RICHARD ROE.

SUPPLEMENT

TO

MICHIGAN FARM LAWS

CONTAINING

Laws Passed by the Legislature at the Session of 1911

NOTE.— The page references direct the reader to the same subject in the book proper.

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ANIMALS.

(Pages 1-34.)

No. 82, Public Acts, 1911.

Proving breeding of horses: Sec. 1. Whenever it becomes necessary to show the breeding of any horse in any action at law or in equity, the same may be shown by Wallace's Year Book, Wallace's American Trotting Register, The American Percheron Horse Breeders and Importers Association, Percheron Society of America, The American Percheron Horse Breeders' Association or the Percheron Stud Book of America; and whenever a horse is registered in any of the registers aforesaid, or with said society or either of said associations, the record of such registration or the society's or association's certificate of such registration under its corporate seal shall be prima facie evidence of the breeding of such horse.

No. 141, Public Acts, 1911.

Tax upon dogs: Sec. 1. In all townships and cities of this State except in cities having and enforcing an ordinance imposing a tax or license fee on every dog owned or harbored in said city, there shall be annually levied and collected the following tax upon dogs: Upon every male dog over six months old owned or kept by one person or family, one dollar; upon every female dog over six months old owned or kept by one person or family, three dollars: *Provided,* That the tax upon a female dog whose ovaries have been removed shall be one dollar, and shall be so levied by the supervisor in every case when the person owning such dog shall file with such supervisor a certificate under oath of a veterinary surgeon that the ovaries of such dog had been removed: *Provided further,* That any person keeping or having in possession dogs for boarding or for breeding purposes, and the selling and exchange of such dogs, not less than five in number, may obtain from the township or city clerk a kennel license for the kenneling of dogs and shall pay for such license in lieu of all other tax the sum of twenty-five dollars, which license shall not be granted for a period exceeding one year and shall expire on the second Monday of April of each year.

No. 256, Public Acts, 1911.

Enrollment of stallion: Sec. 1. Every person, firm, association or company, using or offering for use for public service any stallion in this State shall cause the name, description and pedigree of such stallion to be enrolled by the State Veterinary Board and shall procure a certificate of such enrollment from said board: *Provided, however,* That this

shall not apply to stallions not claimed to be by standard or pure bred sires or dams.

How to obtain license: Sec. 2. In order to obtain the license certificate hereinafter provided for, the owner of each stallion shall forward the studbook, certificate of registration, and any other documents that may be necessary to define and describe said stallion, his breeding and ownership, to the State Veterinary Board. The officers of said board, whose duties it shall be to examine and pass upon the merits of each pedigree submitted, shall use as their standard of action the studbooks and signatures of the duly authorized officers of the various pedigree registration associations, societies or companies recognized by the United States department of agriculture. Upon verification of pedigree or certificate of breeding, a license certificate shall be issued to the owner by the State Veterinary Board, copies of which certificate said owner shall post and keep affixed during the entire breeding season in a conspicuous place both within and upon the outside of every building where such stallion is kept for public service.

What posters and advertisements to contain: Sec. 3. Every bill or poster issued by the owner of any stallion licensed under the provisions of this act, or used by him or his agent for the purpose of advertising such stallion, shall contain a copy of the certificate of enrollment of such stallion, and said bills or posters shall not contain illustrations, reference to pedigree or other statements that are untruthful or misleading. Reference to such stallions in newspapers, stock papers and other advertising medium shall contain the name of such stallion, number of certificate of enrollment, and shall designate in letters not smaller than pica whether said certificate reads "Pure bred," "Grade," or "Non-standard bred."

Section 4 gives the form of the license certificate issued to the owner by the State Veterinary Board.

Section 5 requires the payment of a fee of one dollar to the State Veterinary Board for enrollment and one dollar for the license certificate. The certificate of enrollment may be transferred upon change of ownership on the payment of fifty cents.

Section 6 defines the power of the State Veterinary Board to make examinations, issue license certificates and to compile and publish statistics relative to horse breeding in Michigan.

Section 7 relates to foreign stallions brought into the State, subjecting them to examination by the State Veterinary Board.

Penalty for violations: Sec. 8. Any person, firm, company or association violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and shall upon conviction thereof be punished by a fine of not less than twenty-five dollars nor more than three hundred dollars, or by imprisonment in the county jail not more than thirty days, or by both such fine and imprisonment in the discretion of the court.

DAIRY AND FOOD LAWS.

(Pages 46-69.)

No. 248, Public Acts, 1911.

Milk commission: Sec. 1. Authority is hereby given the board of health of any city, village or township in this State, so constituted as to have in its membership two or more physicians duly authorized to practice medicine under the laws of this State, to appoint five physicians duly authorized to practice medicine under the laws of this State a medical milk commission for the purpose of supervising the production, transportation and delivery of milk, which it is intended to use for infant feeding, sick-room clinical purposes in said city, village or township. In cities, villages and townships not having a board of health so constituted as above stated, the State Board of Health may make such appointment. All members of such milk commission shall have and possess all the powers and immunities provided by this act or any other act relating to the appointees of such board of health, while performing their duties as such appointees. * * *

Other sections of this act provide that the milk commission has power to enter into agreement with dairymen for the production of milk for the purposes enumerated in section one, and to prescribe the condition under which such milk shall be produced, the standards not to be below those fixed by the State Board of Health. The container shall have attached thereto a seal bearing the name of the commission and the date of the production of the milk. The work and methods of the commission shall be subject to investigation by the local and State boards of health. Fraudulent use of the seal is punishable by a fine of not less than fifty nor more than five hundred dollars or imprisonment in the county jail not more than ninety days, or both fine and imprisonment.

No. 257, Public Acts, 1911.

Unlawful to open milk bottles: Sec. 1. From and after the date on which this act takes effect, it shall be unlawful for any driver of any milk wagon, or any distributor of milk, or any person whatsoever, except legally authorized milk inspectors and persons to whom such milk is delivered, to open milk bottles or in any way interfere with or molest the caps or covers of the same after such milk bottles shall have been closed at the creamery, or during the process of the delivery of said milk, or after said milk shall have been delivered in due course of business and in the ordinary manner.

Penalty: Sec. 2. Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof in a court of competent jurisdiction shall be punished by a fine of not less than fifty dollars nor more than one hundred dollars, or by

imprisonment in the county jail for not less than thirty days nor more than ninety days, or by both such fine and imprisonment in the discretion of the court.

DRAINAGE.

(Pages 84-96.)

No. 185, Public Acts, 1911.

Drain commissioner, election of: Sec. 1. (Chapter 2.) At the regular biennial election to be held on the Tuesday succeeding the first Monday in November, nineteen hundred twelve, and every second year thereafter, one county drain commissioner shall be elected in every organized county in this State by the qualified electors thereof. The term of office of such county drain commissioner shall begin on the first day of January next succeeding his election and continue for a period of two years thereafter and until his successor shall be elected and qualified. In case of a vacancy occurring in the office of county drain commissioner for any cause, the same shall be filled as soon as practicable thereafter by the appointment by majority vote of the county clerk, prosecuting attorney and judge of probate of the county, of which appointment they will file their certificate under their hands and seals in the office of said county clerk; and it shall be the duty of the county clerk to make report to the Secretary of State of the appointment and qualification of said county drain commissioner. Such county drain commissioner whether elected or appointed to fill a vacancy, before entering upon the duties of his office, shall take, subscribe and file with the county clerk the constitutional oath of office, and shall also within the same time execute and file with such county clerk a bond to the people of the State of Michigan in the penal sum of five thousand dollars with two or more sufficient sureties to be approved before filing by the county clerk, county treasurer and judge of probate, conditioned upon the faithful discharge of the duties of his office: *Provided,* That the board of supervisors of any county may fix the bond to be required of the drain commissioner at a different amount, when in its judgment the same may be desirable.

Route for proposed drain: Sec. 2. (Chapter 3.) Upon the filing of such application, the county drain commissioner authorized to act thereon shall as soon as practicable thereafter notify the township clerk or clerks of the township or townships through which the proposed drain passes of the filing of such petition, giving a copy or copies thereof. Within thirty days after the service of said notice upon him or them, it shall be the duty of the clerk or clerks so notified to call a meeting or joint meeting of the township board or boards, as the case may be, at some place to be designated by said drain commissioner, and which place shall be as centrally located as possible, giving notice of the time and place of such meeting and causing a notice thereof to be published

for not less than one week in a newspaper published and in general circulation in the county. At the time and place fixed in said notice the township board or boards shall meet, and if more than one township be affected, then the boards shall meet in joint session, form themselves into one board, elect a chairman and secretary and proceed to determine the necessity of said drain and whether the same is necessary and conducive to public health, convenience and welfare. At such meeting all persons owning lands liable to assessments for benefits, or whose lands shall be crossed by said drain, may appear for or against said drain proceedings. After hearing the evidence so offered as herein provided by all persons appearing for or against the drain proceeding, the board or boards, as the case may be, shall make their determination upon the necessity of said drain and whether the same is necessary and conducive to public health, convenience and welfare. If the said board or boards shall find by a majority vote of the whole number of members present and voting thereon, that the said drain is not necessary or conducive to public health, convenience and welfare, they shall dismiss the petition and no further petition for said drain shall be legal if made within one year after such determination. If said board or boards by a majority vote as aforesaid shall find said drain so proposed to be necessary and conducive to the public health, convenience and welfare, they shall make their order to that effect and file the same with the said county drain commissioner. The members of the township board or boards for their services under this section shall be compensated at the rate provided by act number ninety-eight of the public acts of nineteen hundred seven, to be paid from the general fund of township or townships. Said commissioner shall, as a means of determining the practicability thereof, make a survey and measurement of the line of the proposed drain, or cause the same to be made by a competent surveyor. If upon such survey he shall find such drain to be practicable he shall within ninety days make his first order of determination in writing in accordance therewith, therein particularly naming such drain, by which it shall thereafter be known, and shall establish the commencement, route and terminus of such drain, and the width, length and depth threof, and shall set survey or grade stakes not more than eight rods apart. For such purposes he shall have the right to enter upon such lands traversed by the route of the proposed drain or otherwise connected with the purpose of the proceeding. In locating such drain the county drain commissioner shall not be limited or confined to the precise starting point, route or terminus set forth in the application. The record or minutes of the survey shall show the line and route of the drain, the point where the line of the drain crosses the boundary lines of each owner's land and the length thereof upon his land and the width of surface excavation that will be required in its construction, and shall also show by words or letters and figures the width of ground that will be required for the disposition of earth, and every release of right of way shall be deemed to include the ex-

treme width thus shown: *Provided,* That if said township board or boards fail to agree as to the necessity of said drain, and whether the same is necessary and conducive to public health, convenience and welfare, where there are two or more townships interested within the same county, the county drain commissioner of said county shall determine as to the necessity of said drain.

Section 1 (Chapter 5) relates to the cost of construction and apportionment.

Section 2 (Chapter 7) provides for a meeting of the drain commissioners, and in case of disagreement for appeal to the State Highway Commissioner, whose decision shall be final.

Section 4 (Chapter 7) relates to the apportionment of cost of construction.

Repairing of drains: Sec. 8. Whenever a drain heretofore established and which was constructed in and traverses more than one county, needs cleaning out, deepening, widening and extending, any five freeholders of either county by which such drain is traversed or affected, one or more of whom shall be owners of land which at the time of the construction was assessed therefor, may make application to the county drain commissioner of either county in which such drain is situated, setting forth the necessity thereof.

(The further proceedings shall be the same as provided in this chapter relative to drains in more than one county, and Chapter 5 relative to establishing drains.)

Application to clean out drain: Sec. 1. (Chapter 8.) Whenever a drain or any portion thereof needs cleaning out, one-fourth of the freeholders whose lands are traversel by said drain liable to an assessment for benefits on account of the proposed improvement, may make application in writing to the county drain commissioner of the county in which such drain is located and the lands to be affected thereby are situated, setting forth the necessity of such proposed work, and the county drain commissioner shall, as soon as practicable thereafter, notify the township clerk or clerks of the township or townships through which the said drain passes, of the filing of such petition, giving a copy or copies thereof. Within thirty days after the service of said notice upon him or them, it shall be the duty of the clerk or clerks so notified to call a meeting or joint meeting of the township board or boards, as the case may be, at some place as centrally located as possible, to be designated by said drain commissioner, giving notice of the time and place of such meeting, and causing a notice thereof to be published for not less than one week in a newspaper published and in general circulation in the county. At the time and place fixed in said notice, the township board or boards shall meet, and if more than one township is affected, then the boards shall meet in joint session, form themselves into one board, elect a chairman and secretary, and proceed to determine the necessity of the proposed work. At such meeting all persons owning

lands liable to an assessment for benefits, or whose lands are crossed by said drain, may appear for or against said drain proceedings. After hearing the evidence so offered as herein provided by all persons appearing for or against the proposed work, the board or boards, as the case may be, shall make their determination upon the necessity of the said proposed work. If the said board or boards shall find by a majority vote of the whole number of members present and voting thereon that the said proposed work is not necessary, they shall dismiss the petition and no further petition for the same purpose shall be legal if made within one year after such determination. If said board or boards by a majority vote as aforesaid shall find said proposed work to be necessary, they shall make their order to that effect and file the same with the said county drain commissioner. The members of the township board or boards for their services under this section shall be compensated at the rate provided by act number ninety-eight of the public acts of nineteen hundred seven, to be paid from the general fund of the township or townships. In all cases in which the township board or boards find the proposed work to be necessary, the county drain commissioner shall, as soon as practicable after the order of determination has been filed with him, go over the line of said drain and fix the per cent of the cost of cleaning out that the owners of lands benefited thereby shall be assessed therefor. In case such drain is deepened, widened or straightened, he shall make his first order of determination and take the steps thereafter to be taken as heretofore provided for laying out and establishing drains: *Provided,* That such assessment shall be made according to the benefits received and shall be subject to appeal the same as in the first instance. Drains may be cleaned out, deepened, widened or straightened, and for any or all such proceedings only one application or proceeding shall be necessary. It shall not be necessary for the applicants in [in] such proceedings to further describe the drain or drains involved, than by referring to the recorded name or names thereof, but a reference to a drain describing it by its commencement and the teminus approximately and its general course or direction shall be sufficient without giving the name. In case where a water course shall need deepening, widening, cleaning out, straightening or extending, it shall be immaterial whether the application shall be to lay out and establish, clean out, deepen, widen, straighten or extend, but where a right of way shall be necessary the county drain commissioner shall take such steps to obtain a right of way as hereinbefore provided: *Provided,* That if said township board or boards fail to agree as to the necessity of said drain and whether the same is necessary and conducive to the public health, convenience and welfare, where there are two or more townships interested within the same county, the county drain commissioner of said county shall determine as to the necessity of said drain.

Sections repealed: Sec. 2. Section eight of chapter two of act number two hundred fifty-four of the public acts of eighteen hundred ninety-

seven, and section nine of chapter seven of act number three hundred twenty of the public acts of nineteen hundred nine, and all other acts and parts of acts contravening the provisions of this act are hereby repealed: *Provided however,* That this law shall not be construed as altering or repealing or in anywise affecting any county now operating under a local or special act.

FISH LAWS.

(Pages 128-134.)

No. 34, Public Acts, 1911.

Nets, unlawful, in certain waters: Sec. 2. It shall be unlawful to place or set any kind of a net or to take or attempt to take any kind of fish with a net in any of the connecting waters between Lake Superior and Lake Huron and the connecting waters between Lake Huron and Lake Erie. For the purpose of this act, the connecting waters between Lake Superior and Lake Huron shall be defined as all that part of the Straits of St. Mary in this State, extending from a line drawn straight from the most northerly point of Round Island to Point Aux Pins, to a line drawn due east and west from the most southerly point of Lime Island; and the connecting waters of Lake Erie and Lake Huron shall be defined as all of the St. Clair River, all of Lake St. Clair and all of the Detroit River extending from Fort Gratiot Light in Lake Huron to a line drawn east and west at the northerly end of Grosse Isle. It shall be unlawful to set any net in any direction from the mouth of any river or the mouth of the outlet of any inland lake: *Provided,* That it shall be lawful at all times to catch any kind of fish in these connecting waters with a hook and line.

No. 78, Public Acts, 1911.

Fish shutes: Sec. 1. Any person, firm or corporation owning or using any dam now existing or which may hereafter be constructed across any river, stream or creek in this State, shall erect and maintain in good repair, sufficient and permanent fish shutes or fish ladders to admit of the free and uninterrupted passage of fish over or through such dam during the months of March, April, May, June, September, October and November in each and every year: *Provided, however,* That the State Game, Fish and Forestry Warden, may upon the written application of any owner or owners of a dam, issue a permit to close said fish shute during any or all of said months for the purpose of conserving the water power: *Provided further,* That as to streams smaller than those designated as rivers and which are not frequented by any considerable quantity of fish for which a closed season or seasons is provided by law, said warden may upon the written application of any owner or owners of a dam issue a permit waiving the building of

such shutes, which waiver may be revoked at the pleasure of said warden, who, on revoking the same may require the building of the shutes as provided in this act, on written notice of not less than sixty days to the owner or owners of such dam. Such shutes or ladders shall be erected and maintained by said owner or occupant of such dam, of such kind and placed in such manner as shall be prescribed by the State Game, Fish and Forestry Warden.

No. 87, Public Acts, 1911.

Act repealed: Sec. 1. Act number ninety-seven of the public acts of nineteen hundred three, entitled "An act to prohibit the catching, killing or destroying of fish with seines or any species of continuous net, or with any form of spear or trap, or in any manner whatsoever, except with hook and line, in the waters of Crystal Lake, in the township of Crystal, county of Montcalm, Michigan, and providing a penalty therefor," approved May twelfth, nineteen hundred three, is hereby repealed.

No. 88, Public Acts, 1911.

Act repealed: Sec. 1. Act number sixty-six of the public acts of nineteen hundred five, entitled "An act for the protection of fish in the lakes and streams of the county of Montcalm, State of Michigan, and to repeal all acts or parts of acts inconsistent with this act," approved April nineteenth, nineteen hundred five, is hereby repealed.

No. 89, Public Acts, 1911.

Lawful to take dog fish, carp and garfish with seine or net: Sec. 1. Hereafter it shall be lawful under the regulations and restrictions in this act provided, to [to] take and remove with seines or nets, and destroy, in the inland lakes of this State, dog fish, carp, and garfish or bill fish.

Warden to be present: Sec. 2. The State Game, Fish and Forestry Warden may, in his discretion, cause to be taken or removed by seine or net, from any of the inland lakes of this State, and destroyed, all dog fish, carp, and gar-fish or bill fish: *Provided,* That before such action is taken there shall be filed with the supervisor of the township in which such inland lake may be located a petition signed by at least fifteen residents of such township requesting the same, and it shall be the duty of such supervisor forthwith to forward said petition to the State Game, Fish and Forestry Warden: *Provided further,* That the State Game, Fish and Forestry Warden, or a State deputy warden to be delegated by him, shall be present at the time and place of the taking, removing and destroying of the fish in this act provided and shall personally superintend the same.

No. 101, Public Acts, 1911.

Round Lake, open season with hook and line: Sec. 1. Hereafter it shall be lawful in the months of December, January, February and March, in each year, to take or catch with hook and line any and all kinds of fish, except brook trout, rainbow trout, grayling, land-locked salmon and black bass, in Round Lake, in Lenawee County.

No. 184, Public Acts, 1911.

Unlawful use of seines and nets: Sec. 5. It shall be unlawful for any person or persons to take or catch, or attempt to take or catch, any fish at any time with seines, pound nets, gill nets or any species of nets in any of the waters of this State, except Lakes Michigan, Superior, Huron, Erie and Saginaw Bay, except as provided in act number seventy-six of the public acts of nineteen hundred seven, and the bays and harbors connected with said lakes: *Provided*, That the use of dip nets in catching mullet, red sides, carp and suckers shall not be unlawful.

No. 188, Public Acts, 1911.

Green Bay, trap nets in: Sec. 1. It shall be lawful to use pound or trap nets, the meshes of the pot, crib or pocket of which shall not be less than two inches, extension measure, as manufactured, for taking or catching perch, herring and other rough fish, in the waters of Green Bay, within the counties of Delta and Menominee, from the first day of September in each year until the first day of July in the year following.

Gill nets: Sec. 2. It shall be lawful to use gill nets with meshes not less than three and one-eighth inches, extension measure, as manufactured, in the waters and during the time specified in section one of this act, for taking or catching fish commonly called "Menominees:" *Provided*, That nothing in this act contained shall permit of the use of nets with meshes smaller than specified in act number eighty-eight of the public acts of eighteen hundred ninety-nine, whenever and wherever it shall be shown that they interfere with or catch immature white fish, lake trout or wall-eyed pike. By immature fish is meant those so small that the taking thereof is prohibited by the general laws of this State.

GAME LAWS.

(Pages 135-158.)

No. 50, Public Acts, 1911.

Possession of carcass in closed season of game bird or animal not permitted: Sec. 20. No person shall have in his possession the dead body or carcass or skin, or any portion thereof, of any animal or bird mentioned or referred to in this act during the time when the killing of such animal or bird is unlawful, except as authorized by law, and

excepting specimens, heads or pelts, prepared or mounted for scientific or educational purposes: *Provided, however,* That any person may have in his possession for thirty days after the closing of the season, deer lawfully killed during the open season, and may have in his possession for five days after the closing of the season, game birds and other animals lawfully killed during the open season: *Provided further,* That no person, corporation or transportation company shall receive for transportation, or have in possession at the initial billing station, the carcass or dead body of any animal or bird mentioned or referred to in this act, after forty-eight hours immediately following the closing of the time when the killing of said animal or bird is authorized by law: *Provided further,* That any person engaged in rearing any of the animals mentioned in this act, within an enclosure, may kill for his own use and consumption at any time any of the said animals, and may sell and transport alive any of the said animals, and may kill, sell and transport without the State any of said animals, when accompanied by a permit from the State Game, Fish and Forestry Warden; and it shall be the duty of the said State Game, Fish and Forestry Warden to issue such permits upon application, when satisfied that such animals were so reared within an enclosure.

No. 180, Public Acts, 1911.

Hunting rabbits with ferrets or Guinea pigs prohibited: Sec. 1. It shall be unlawful to make use of a ferret or Guinea pig for the purpose of hunting, taking, killing or pursuing rabbits: *Provided, however,* That farmers or fruit growers may make use of ferrets or Guinea pigs in killing rabbits on their enclosed lands.

Penalty: Sec. 2. Any person violating any of the provisions of section one of this act shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than five dollars nor more than twenty-five dollars and the costs of prosecution, or by imprisonment in the county jail of the county in which the offense was committed for not less than ten days nor more than twenty days, or by both such fine and imprisonment in the discretion of the court.

No. 190, Public Acts, 1911.

Deer, killing of, in certain counties prohibited: Sec. 1. It shall be unlawful until the year nineteen hundred twenty, to kill any deer within the limits of any county in this State having a population of more than forty-eight thousand and less than sixty-five thousand, as shown by the United States census of nineteen hundred ten.

Penalty: Sec. 2. Any person who shall be found guilty of violating the provisions of section one of this act shall be liable to a fine of not less than fifty dollars nor more than one hundred dollars for each deer that he may have killed, or in default of the payment of such

fine, imprisonment in the county jail or Detroit House of Correction for a period of not more than six months, in the discretion of the court.

No. 206, Public Acts, 1911.

Beaver, license for killing of and closed season for: Sec. 1. It shall not be lawful for any person to take, trap, hunt, shoot, kill or molest, or attempt to take, trap, hunt, shoot, kill or molest any beaver from and including the fifteenth day of May to and including the thirty-first day of October of each year, nor shall any person have in possession the carcass or skin of any beaver that was killed during the time when the killing thereof is by this act prohibited, unless having attached thereto a seal as hereinafter provided.

Section 2. Provides that no person shall take, kill or molest any beaver without, first, having obtained permission therefor in writing from the owner of the land; second, having obtained a license from the county clerk of the county where such land is located.

Section 3. Authorizes the county clerk upon receipt of ten dollars to issue such license, limiting the number of beaver to fifteen for any one person, and also makes it the clerk's duty to enter a description of the applicant in his books and to report the number of the license and the name of the applicant to the state game, fish and forestry warden.

Section 4. Requires the county clerks to return unsold seals to state game, fish and forestry warden, with a statement of the license money received.

Section 5. Makes it unlawful for any person to take and kill more than four beavers from any one family or colony of beavers.

Section 6. Requires the licensee, before selling, to take the skins with the seals attached thereto to the county clerk, who shall puncture and cancel such seals. Skins unlawfully taken and without seals shall be forfeited to the state.

Section 7. Provides for the issue of additional licenses to applicants complying with the conditions of this act, and section 8 requires the county clerk to pay to the state treasurer $5 and to the county treasurer $5 for each license issued.

This act takes effect January 1, 1913, and any person violating its provisions shall be punished by a fine of not less than ten nor more than one hundred dollars, with costs, or by imprisonment in jail for not more than sixty days, or both fine and imprisonment, and shall forfeit to the state skins illegally taken.

No. 275, Public Acts, 1911.

Property of state: Sec. 1. All wild animals and wild birds, both resident and migratory (native and introduced), found in this State, are hereby declared to be the property of the State.

Unlawful to kill: Sec. 2. No person shall at any time of the

year or in any manner, take, pursue, wound or kill any wild animal or wild bird mentioned in this act, or any introduced game animals or birds, or transport, sell, offer or expose for sale, or have the same in possession, except as expressly permitted by this act.

Section 3 prohibits hunting in public parks and game preserves.

Unlawful to ship: Sec. 4. No person, company or corporation shall have in possession or under control any of the birds or animals protected by the laws of this State, with intent to ship or carry the same beyond the limits of this State, nor shall ship or carry, or intentionally allow or aid in such shipment or carrying out of this State, any such birds or animals, except as expressly provided by law.

Possession for unlawful purposes: Sec. 5. No person shall at any time have in possession or under control any game animal or bird of any kind caught, taken or killed outside of this State, which was caught, taken or killed at a time, in a manner or for a purpose forbidden by the laws of the state, territory or country where the same was caught, taken or killed, or which was shipped out of said state, territory or country, in violation of the laws thereof.

Sections 6 and 7 authorize the state game, fish and forestry warden to issue permits for the capture or killing of game for scientific or propagating purposes, and to owners for the sale and shipping of game bred and reared in captivity.

Game preserves: Sec. 8. The State Game, Fish and Forestry Warden, may in his discretion, on application, and the payment of ten dollars, issue to individuals owning lands in this State, or bona fide members of clubs who own and maintain game preserves in this State, permits good for the yearly game season to carry as open hand baggage during the season twenty wild ducks or other migratory birds lawfully killed by him or them, on his or their own premises or the premises of club of which he or they are members, to his or their respective homes out of the State. Any violation of the privileges herein given shall at once work a forfeiture of the permit granted and subject such person to the penalties provided by this act.

Section 9 authorizes the issuing of permits to agents of the U. S. department of agriculture to take a limited number of birds and animals for scientific purposes.

Possession, when unlawful: Sec. 10. No person, company or corporation, shall have in possession the dead body or carcass or skin or any portion thereof, of any animal or bird mentioned or referred to in this act during the time when the killing of such animal or bird is unlawful, except as authorized by law, and excepting specimens, heads or pelts prepared or mounted for scientific or educational purposes: *Provided, however,* That any person may have in his possession for thirty days after the closing of the season any game or birds lawfully killed by him during the open season.

(It is further provided that no person or corporation shall receive

for transportation the dead body of any animal or bird named in this act after forty-eight hours following the closing of the season, except that persons engaged in rearing such animals may sell and transport same upon permit from the state warden.)

Deer skins; permit to transport: Sec. 11. The State Game, Fish and Forestry Warden is hereby given authority to issue permits for the sale and transportation, either within or without the State, of deer skins at any season of the year, when satisfied that the animals from which such skins were taken were killed at a lawful time and in a lawful manner; each hide so transported or sold, shall have attached to it the original license tag while being so transported or sold, unless otherwise authorized by the State Game, Fish and Forestry Warden. No game birds shall be shipped by express, freight or baggage or in any other manner, but shall be carried as hand baggage only: *Provided, however,* That nothing in this section shall apply to the interstate carrying, as open hand baggage, of wild ducks or other migratory birds, as provided for in section eight of this act.

Violations and prosecutions: Sec. 12. The injuring, killing, capturing, selling or having in possession of each animal or bird, or any part thereof, injured, captured, killed or destroyed, sold or possessed contrary to the provisions of this act, shall be a separate offense, and the person so offending shall be liable to the penalties herein provided. In all prosecutions for violations of any of the provisions of this act, proof of the possession of the dead body or carcass or skin or any portion thereof, of any animal or bird mentioned or referred to in this act, except as herein provided, at a time when the killing thereof is unlawful, shall be prima facie evidence that such animal or bird was killed at a time when the killing thereof was prohibited by law. All persons violating any of the provisions of this act whether as principal, agent, servant or employe, shall be equally liable as principal, and any person or principal shall be liable for any vioation of any of the provisions of this act by his agent, servant or employe.

What considered game: Sec. 13. For the purposes of this act the following shall be considered game: Game animals, moose, elk, caribou, deer, rabbits and squirrels, (excepting red squirrels); game birds, the anatidæ, commonly known as geese, brant and wild duck; the rallidæ, commonly known as rails, coot and gallinules; the limmicolæ, commonly known as shore birds, snipe, woodcock, plovers and sand pipers, tattlers and curlews; the gallinæ, commonly known as pheasants, grouse, prarie chicken and quail. All other species of wild resident and migratory birds shall be considered non-game birds.

Non-game birds, protection of: Sec. 14. No person shall kill, catch or have in possession any wild non-game bird living or dead, or purchase, sell, offer or expose for sale, any such wild non-game bird after it has been killed or exposed except as permitted by this act, and no part of the plumage, skin or body of any non-game bird protected

by this act shall be sold or had in possession for sale, and this irrespective of whether said bird was captured or killed within or without the State; and no person shall take, or destroy the eggs of any wild bird, either game or non-game, or have in possession except as permitted by law. English sparrows, blackbirds, crows, cooper's hawks, sharp-shinned hawks and great horned owls are not included among the birds protected by this act. It shall be unlawful for any person while hunting or while with a gun in his possession, to skin or otherwise destroy the identity of any bird: *Provided,* That this section shall not apply to any person holding a certificate giving the rights to take birds, their nests or eggs, for scientific purposes as hereinafter provided. Such certificates may be granted by a board, to consist of three persons who shall be appointed annually, one by the president of the University of Michigan, one by the president of the Michigan Agricultural College, and one by the president of the State Normal College. * * * *Provided,* That but one permit be issued to any one person and then only authorizing the person holding such permit to take one pair each of the birds and one nest and one nest of eggs of the kind of birds specified in such certificate. * * *

Pitfalls, traps, etc., unlawful to use: Sec. 15. No person or persons shall at any time make use of any pit, pitfall, deadfall, scaffold, cage, snare, trap, net, baited hook or any similar device, or any drug, poison, chemical, or explosive for the purpose of injuring, capturing or killing any birds or animals protected by the laws of this State, nor shall any person at any time or in any manner whatever, injure, destroy or rob the eggs of any bird protected by the laws of this State, or molest, harass or annoy such birds upon their nests, except as herein provided: *Provided, however,* That said provision shall not prohibit the trapping of fur bearing animals. No person shall hunt, pursue, kill, capture or attempt to hunt, pursue, kill or capture at any time or in any manner, any deer when it is in the red coat, or fawn in the spotted coat, or have in possession the skin of such deer or fawn in the red or spotted coat, nor shall any person hunt, pursue, kill or capture, or attempt to hunt, pursue, kill or capture any deer while it is in the water. No person shall make use of any artificial light in hunting, pursuing, capturing or killing deer, or in attempting to hunt, pursue, capture or kill any deer, and the wearing or having such light on the head or in possession shall be deemed a violation of this section. No person or persons shall make use of a dog in hunting, pursuing or killing deer; the presence of a dog in the woods, hunting camp, logging camp, or a club house during the deer hunting season, shall be prima facie evidence of its unlawful use. Any dog pursuing, killing or following upon the track of a deer is hereby declared to be a public nuisance and may be killed at such time by any person without criminal or civil liability. No person shall hunt, pursue, worry or kill any wild water fowl by any means whatever during such time as said person is upon any floating device or contrivance

such married woman as the result of her personal efforts; and to sell or otherwise dispose of any and all such earnings, and to make contracts in relation thereto to the same extent that any such married woman could have or do if unmarried.

HOLIDAYS AND OTHER DESIGNATED DAYS.

(Pages 169-170.)

No. 11, Public Acts, 1911.

Holidays designated: Sec. 1. The following days, namely, the first day of January, commonly called New Year's day, the thirtieth day of May, commonly called Memorial day, the fourth day of July, the first Monday of September, commonly called Labor day, and the twenty-fifth day of December, commonly called Christmas day, all Saturdays and all days appointed or recommended by the Governor of this State or the President of the United States as days of fasting and prayer or thanksgiving, shall in all the public schools of this State, be treated and considered as public holidays and on such above specified days there shall be no school sessions in any of such public schools of this State: *Provided,* That the salary of school officers and teachers shall be in no way affected by reason of the dismissal of school on any of the above mentioned days: *Provided further,* That on the following days, namely, the twelfth day of February, commonly called Lincoln's birthday, the twenty-second day of February, commonly called Washington's birthday, and the twelfth day of October, commonly called Columbus day, it shall be the duty of all school officers and teachers to have the schools under their respective charge observe such mentioned days, namely, the twelfth day of February, the twenty-second day of February, and the twelfth day of October by proper and appropriate commemorative exercises, and such days shall not be considered as legal holidays for schools.

LIENS.

(Pages 177-181.)

No. 116, Public Acts, 1911.

Lien for threshing, etc.: Sec. 1. Any owner, part owner or lessee of a threshing machine, huller or other similar machine who shall thresh or hull any grain, corn, beans, peas or other vegetable produce for another, shall, upon the filing of the statement herein provided, have a lien for the value of such services, or in case there is an agreed price, then for such agreed price upon the grain or other product so threshed or hulled, said lien to commence from the time of filing notice and making demand as hereinafter provided. Such lien shall not attach in any

case where the grain which may have been threshed, hulled or husked, shall have passed into the hands of an innocent purchaser or dealer in the usual course of trade.

Section 2 requires a person entitled to a lien under this act to file with the township clerk, within ten days after the threshing, a statement under oath giving the quantity threshed and the amount due, etc. Section 3 requires the clerk, upon receipt of a fee of twenty-five cents, to file the statement same as chattel mortgages are filed.

Enforcement of lien: Sec. 4. A copy of any such statement and notice of lien as aforesaid, certified by the township clerk, shall be received in evidence in any proceeding taken to enforce the lien herein provided for, but only of the fact that such statement and notice of lien was received and filed according to the endorsement of the township clerk thereon, and of no other fact.

Sections 5, 6, 7 and 8 relate to commencement of suit before justice of peace, judgement, attachment and execution.

Misdemeanor, penalty: Sec. 9. Any person who shall thereafter upon demand, refuse to pay the amount due for such threshing or hulling, and who shall sell, secrete, or dispose of the property covered by or subject to such lien, without the written consent of the owner or owners of said lien, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not exceeding one hundred dollars or imprisonment in the county jail not exceeding ninety days, or both such fine and imprisonment in the discretion of the court.

OFFENSES.

(Pages 187-202.)

No. 274, Public Acts, 1911.

Dangerous weapons, unlawful to carry, etc.: Sec. 1. In counties of one hundred fifty thousand population or over, it shall be unlawful for any person, except as hereinafter provided, to go armed with a dirk, dagger, sword, pistol, revolver, stiletto, metallic-knuckles, pocket-billy, sand-bag, skull-cracker, slung-shot, razor, hat pins over ten inches long, or other offensive and dangerous weapons or instruments concealed upon his person.

Sale of dangerous weapons: Sec. 2. It shall be unlawful to sell, to keep for sale, or offer for sale, loan or give away, any dirk, dagger, stiletto, metallic-knuckles, sand-bag or skull-cracker. The provision of this section shall not prevent the selling or keeping for sale of hunting and fishing knives.

Who shall issue license: Sec. 3. The prosecuting attorney and sheriff, in counties in which no regularly organized police force exists, and in counties where one or more regularly organized police forces exist, the prosecuting attorney, sheriff and chief of police of the city within which

such license is sought, shall constitute a board, whose duty it shall be and who shall have power to grant licenses to carry a revolver, pistol or pocket-billy, and the said board shall meet on the first Monday in each month at the county seat for the purpose of hearing applications to carry a revolver, pistol or pocket-billy. A majority of said board shall constitute a quorum.

Duty of board to issue license: Sec. 4. It shall be the duty of said board to issue licenses to go armed with a revolver, pistol or pocket-billy to all peace officers and such other persons who in the judgement of said board should be permitted to go so armed: *Provided,* That upon the payment to said board of the sum of ten dollars, mining companies, banks, trust companies, railroad and express companies, may obtain a general license good for any of their employes actually engaged in guarding any property or the transportation of moneys or other valuables. Licenses issued to peace officers or to employes of railroad and express companies, shall permit such persons to go armed anywhere within the State while in the discharge of their duties.

Section 5. Requires the county clerk to act as secretary of the board and to keep a list of all persons to whom licenses are issued, the number of the license and the date of revocation.

Section 6. Provides that the right of a peace officer to carry any of the weapons mentioned in this act shall end when said person ceases to be an officer, and the board is given the power to revoke any license at its discretion.

Section 7. Requires the person seeking a license to make a written application, setting forth his name, age, residence, place and nature of his business, and the kind of weapon wanted.

Section 8. Makes it the duty of the person licensed to produce the license upon request of any person in authority, and failure to do so shall be deemed prima facie evidence of violation of the terms of this act.

Felony, fine, etc.: Sec. 9. Any person who shall violate any of the provisions of this act shall be deemed guilty of a felony, and upon conviction thereof shall be punished by a fine of not more than five hundred dollars, or by imprisonment in the State prison not more than two years, or by both such fine and imprisonment in the discretion of the court, and in addition thereto may be required to enter into a recognizance with sufficient surety in such sum as the court may order, not exceeding one thousand dollars, to keep the peace and be of good behavior for a period not exceeding one year: *Provided,* That in case of the first offense the court may, in its discretion, reduce the punishment to imprisonment in the county jail for a term of not more than three months, or a fine of not more than one hundred dollars.

PROMOTION OF FARMING INTERESTS OF THE STATE.

(Pages 203-205.)

No. 124, Public Acts, 1911.

County agricultural advertising: Sec. 1. The boards of supervisors of the several counties within the State of Michigan, or any of them, are hereby authorized and empowered to levy a special tax on the taxable property within their respective counties, for the purpose of creating a fund not exceeding two thousand dollars in any one year in any one county, to be used for advertising the agricultural advantages of the county or for collecting, preparing and maintaining an exhibition of the products and industries of the county at any domestic or foreign exposition, for the purpose of encouraging immigration and increasing trade in the products of the State of Michigan: *Provided,* That the total tax levies for such purposes in any one year shall not exceed five cents on each one hundred dollars of taxable property in the county, according to the assessment rolls, the sum so raised to be used as directed by the board of supervisors of the county.

ROADS.

(Pages 206-228.)

No. 24, Public Acts, 1911.

Hedges, etc., trimming of: Sec. 5. (Chapter 19.) It shall be the duty of every owner, occupant or person having charge of lands in this State, to cut or trim, or cause to be cut or trimmed, to a height not exceeding four and one-half feet and a width not exceeding three feet, all hedges or hedge rows along or on the public highway or adjacent thereto in each and every year, except such hedges as shall have been set out for the protection of fruit trees and nursery stock. Trimmings or brush from such hedge rows shall not be left lying within the limits of the highway, but shall be forthwith removed: *Provided,* That this section shall not apply to streets or highways within incorporated cities.

No. 118, Public Acts, 1911.

Repair or construction of roads or bridges: Sec. 3. (Chapter 12.) In all cases involving an expenditure of an amount over fifty dollars and not exceeding five hundred dollars, in the repairing or construction of roads or bridges in any township of this State, the commissioner shall submit the proposed expenditure to the township board, and, upon the approval of the said board, the commissioner may make such repairs or cause them to be made; may do the construction work or cause it to be

done; may buy the necessary materials and hire the necessary help, but if the proposed expenditure is of an amount greater than five hundred dollars, the commissioner shall first submit the same to the township board and upon approval of the said board the commissioners, shall advertise for sealed proposals for the doing of such work and the making of such repairs, and together with the township clerk, subject to the approval of the township board, shall contract, with the lowest bidder giving good and sufficient security for the performance of the work: *Provided*, That in case it shall appear to the commissioner and board acting together, in such manner that it seems to them clearly shown, that there has been collusion among the bidders, they may contract privately with any one of the bidders or with some one who was not a bidder, but at a price not to exceed that of the lowest bidder. The contract so made shall be approved in writing by the supervisor in order to be valid as against the township. Not less than ten days notice shall be given by the commissioner of the time and place of letting such contract by putting up notices in at least five of the most public places in his township. Upon performance of the work by the contractor, if approved and accepted by the commissioner and supervisor, there shall be drawn and signed by such commissioner and countersigned by the township clerk, orders upon the township treasurer for the amount of said contract. It shall be unlawful for any township officer to be in any way interested directly or indirectly in any such contract. Any contract in which any such township officer is so interested shall be absolutely void: *Provided, however,* That in case the township board shall decide to do the work by day labor, the plans and specifications together with all bids received thereon, and the reason, in writing, for not letting the job by contract, shall be filed in the office of the township clerk

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No. 148, Public Acts, 1911.

County road commissioners, election of: Sec. 6. (Chapter 4.) In any county where the county road system shall hereafter be adopted, a board of county road commissioners not exceeding three in number shall be elected by the people of such county. In the first instance such commissioners shall be appointed by the board of supervisors or elected at a general or special election called for that purpose, as shall be ordered by the board of supervisors. If such commissioners are appointed they shall hold office only until the first day of May following in the year in which a regular session of the legislature is held. If such commissioners are to be elected at a general election, notice thereof, embodying a copy of the resolution of the board of supervisors, giving the number and terms of office of the commissioners to be elected, shall be published by the clerk in the newspaper or newspapers selected by the board of supervisors, as required by section three of this chapter and act; if a special election is called for the election of such commissioners, a like notice

shall be given by the clerk, which notice shall be posted and published in such newspapers as required by said section three of this chapter and act. In the month of March in each year thereafter in which a county road commissioner is to be elected, the county clerk shall give notice that a county road commissioner is to be elected at the following election to be held on the first Monday in April, and shall publish the same in a newspaper or newspapers in manner aforesaid.

(By further provision in the counties of Wayne and Mason the election shall be held on the first Tuesday after the first Monday in November, and further, the board of supervisors may appoint in counties which contain more than thirty surveyed townships.)

Section 8 gives the board of supervisors power to appoint a county road commissioner in case of vacancy.

Not operative where county road system not adopted: Sec. 24. In counties where the county road system is not adopted in manner aforesaid the provisions of this chapter shall not be operative, but in all such counties the acts and provisions of law mentioned and referred to in the last preceding section shall be operative, and shall have the same force and effect as though the provisions of this chapter had not been enacted.

State reward roads: Sec. 10. (Chapter 5.) The following described roads, when built, shall merit the reward attached to each description:

(a) Every mile of well graded road on which the steepest incline shall not exceed six per centum, and the width of which shall not be less than twenty feet between and exclusive of side ditches, and which shall be properly drained, and have a wagon way or travel track not less than nine feet wide, made of a mixture of sand and clay or other material according to specifications furnished by the State Highway Commissioner, shall merit, if approved by the State Highway Commissioner, a reward from the State of two hundred fifty dollars, and pro rata for extra miles and fractions thereof in excess of the first mile.

Gravel roads: (b) Every mile of well graded road on which the steepest incline shall not exceed six per centum, and the width of which shall not be less than twenty feet between side ditches, and which shall be properly drained, and have a wagon way or travel track not less than nine feet wide, and which shall consist of not less than eight inches of compacted gravel, or not less than twelve inches of compacted burnt shale, which must be applied in not less than two layers, each layer to be rolled separately: *Provided,* That both shoulders and metaled track shall be properly crowned so as to shed water quickly to the side ditches, shall merit, if approved by the State Highway Commissioner, a reward from the State of five hundred dollars, and pro rata for extra miles and fractions thereof in excess of the first mile;

Crushed stone roads: (c) Every mile of well graded road on which the steepest incline shall not exceed six per centum, and the

width of which shall not be less than twenty feet between side ditches and which shall be properly drained, and have a wagon way or travel track not less than nine feet wide, made in two courses, the bottom course to be crushed stone, slag or other material, if approved by the State Highway Commissioner, and shall not be less than four inches thick after thorough rolling, and a top course consisting of a layer of gravel which shall not be less than three inches thick after being thoroughly rolled: *Provided,* That both shoulders and metaled track shall be properly crowned so as to shed water quickly to the side ditches, shall merit, if approved by the State Highway Commissioner, a reward from the State of seven hundred fifty dollars, and pro rata for extra miles and fractions thereof in excess of the first mile.

(d) Every mile of well graded road on which the steepest incline shall not exceed six per centum, and the width of which shall not be less than twenty feet between side ditches, and which shall be properly drained and have a wagon way or travel track of not less than nine feet wide, made in two courses, the bottom course to be of gravel, slag or other material, if approved by the State Highway Commissioner, and be not less than four inches thick after thorough rolling, and a top course consisting of a layer of crushed stone which shall be not less than three inches thick after being thoroughly rolled and properly bonded: *Provided,* That both shoulders and metaled track shall be properly crowned to shed water quickly to the side ditches, shall merit, if approved by the State Highway Commissioner, a reward from the State of seven hundred fifty dollars, and pro rata for extra miles and fractions thereof in excess of the first mile;

Macadam roads: (e) Every mile of well graded road on which the steepest incline shall not exceed six per centum, and the width of which shall not be less than twenty feet between side ditches, and which shall be properly drained, and have a wagon way or travel track not less than nine feet wide of well compacted macadam not less than six inches thick laid in two courses of crushed stone, each to be properly bonded with stone screenings, asphaltic, bituminous or other cement approved by the State Highway Commissioner, and thoroughly rolled: *Provided,* That both shoulders and metaled track shall be properly crowned so as to shed water quickly to the side ditches, shall merit, if approved by the State Highway Commissioner, a reward from the State of one thousand dollars, and pro rata for extra miles and fractions thereof in excess of the first mile;

Brick roads, etc: (f) Every mile of well graded road on which the steepest incline shall not exceed six per centum, and the width of which shall be not less than twenty feet between side ditches, and which shall be properly drained, and have a wagon way or travel track not less than nine feet wide in the clear between beveled edges and which shall consist of properly laid concrete not less than six inches in depth, composed of Portland cement and gravel, or sand and crushed stone,

with or without a paving brick surface: *Provided, however,* That the cement shall be required to meet the standard tests then in force of the American Society for Testing Materials, and that the other ingredients, the manner of laying and the kind of inspection employed shall be made to comply with specifications made by, or approved by the State Highway Commissioner, shall merit, if approved by the State Highway Commissioner, a reward from the State of one thousand dollars per mile and pro rata for extra miles and fractions thereof in excess of the first mile.

State reward: Sec. 11. No claim for State reward for improved roads of over three miles in any one surveyed township, in any one fiscal year shall be allowed by the State Highway Commissioner: *Provided, however,* That if any township or county shall have raised money by tax or by sale of bonds to build a mile or more of road such as merits State reward, and the road shall be built and approved by the State Highway Commissioner, and this road is kept in as good condition as when approved by the State Highway Commissioner, such township or county shall have its application number remain upon the books of the State Highway Department, and draw from the State reward fund each year, until such time as the township or county has received the amount due for the class and the amount of road built: *Provided,* That money has been appropriated for State reward. In case the road building money was raised by the sale of bonds, the State reward money shall be used only for the payment of the principal of the bonds.

No. 153, Public Acts, 1911.

This act relates to temporary highways and under its provisions any owner of timbered land, not less than forty acres, may secure such highway by making application to the commissioner of highways of the township.

No. 168, Public Acts, 1911.

County road system not to bar State reward roads: Sec. 26. (Chapter 4.) The adoption of the county road system in any county shall not prohibit any organized township from building State reward roads: *Provided, however,* That the provisions of this act shall not apply to townships which have already bonded in good faith for the purpose of building roads under the provisions of section twenty-six of chapter four, act number two hundred eighty-three of the public acts of nineteen hundred nine, prior to the passage of this act.

No. 223, Public Acts, 1911.

Right to set poles along highway: Sec. 8. (Chapter 7.) No person or persons, firm or corporation shall have the right to set a pole or poles along the line of any public highway, within twenty-five

feet of the center of the highway on either side, without the consent of the township board in the township in which such highway is located and where such pole or poles are to be set; and in no case shall the poles be set within fifteen feet of the center of the highway on either side.

TAXATION.

(Pages 231-246.)

No. 91, Public Acts, 1911.

Mortgage, what to include: Sec. 1. For the purposes of this act all indebtedness secured by liens upon real property shall constitute that class of credit upon which this act imposes a specific tax. The word "mortgage" as used herein shall include every mortgage or other instrument by which a lien is created over or imposed upon real property, notwithstanding it may also be a lien upon other property, or there may be other security for the debt, and shall also include executory contracts for the sale of real property, and deeds or other instruments that are given to secure debts.

Tax on realty mortgage: Sec. 2. A tax of fifty cents for each one hundred dollars and each remaining major fraction thereof of the principal debt or obligation which is, or under any contingency may be, secured by a mortgage upon real property situated within this State recorded on or after the first day of January, nineteen hundred twelve, is hereby imposed on each such mortgage, and shall be collected and paid as hereinafter provided: *Provided,* That no tax shall be imposed upon any debt or obligation which is, or under any contingency may be, secured by a mortgage upon such real estate as shall be owned and occupied by library, armory, benevolent, charitable, educational and scientific institutions, incorporated under the laws of this State, with the buildings and other property thereon, while occupied by them solely for the purposes for which they were incorporated: *Provided,* That such exemption shall not apply to fraternal or secret societies, but all charitable homes of such societies shall be exempt: *Provided further,* That no tax shall be imposed upon any debt or obligation which is, or under any contingency may be, secured by a mortgage upon any house of public worship with the land on which it stands, the furniture therein and all rights in the pews, and upon any parsonage owned by any religious society of this State and occupied as such; which such mortgage is recorded on or after the first day of January, nineteen hundred twelve: *Provided further,* No tax shall be imposed upon any building and loan mortgage. The tax imposed by this section shall be in addition to the recording fee now provided for by law.

How tax paid: Sec. 3. The tax imposed by this act shall be paid to and collected by the treasurer of the county where such mortgage is first presented for record. * * *

Credits exempted: Sec. 10. That class of credits other than the mortgages given prior to January first, nineteen hundred twelve, upon which this act imposes a specific tax shall be exempt from further general taxes under the laws of this State. All acts and parts of acts in contravention of the provisions of this act are hereby repealed.

No. 174, Public Acts, 1911.

Real estate exemptions: Sec. 7. The following real property shall be exempt from taxation: * * *

Eleventh, All real estate to the value of one thousand dollars used and owned as a homestead by any soldier or sailor of the federal government who served three months or more during the civil or Mexican war, and all real estate to the value of one thousand dollars used and owned as a homestead by any wife or widow of such soldier or sailor: *Provided, however,* That should such homestead exceed in value the sum of one thousand dollars it shall be exempt only to the amount of such sum: *Provided further,* That any soldier or sailor or the wife or widow of any such soldier or sailor desiring to accept the benefits named in this section as to the exemption from taxation shall make and file with the supervisor or assessing officer an affidavit stating under oath that he was a soldier or sailor of the federal government during the civil or Mexican war for a period of not less than three months, and in case it be the wife or widow of a soldier or sailor making such application, such affidavit must state that she is the wife or widow of a soldier or sailor of the federal government at the present time, who served not less than three months as such soldier or sailor during the civil or Mexican war. The said affidavit shall be sworn to before said supervisor, assessing officer or any officer authorized to administer oaths and then filed by the said officer in his office and turned over to his successor, where the same shall be open to inspection. Any person making a false affidavit in any particular for the purpose of exemption from taxation shall be deemed to be guilty of the crime of perjury, and punished accordingly: *Provided, however,* That this exemption shall not operate to relieve from the payment of taxes any of the persons hereinbefore enumerated who are the owners of taxable property of greater value than three thousand dollars.

NOTE.—See under "Trees and Timber," Public Act No. 250, for exemption from taxation of private forest reserves.

TREES AND TIMBER.

(Pages 250-251.)

No. 135, Public Acts, 1911.

Private forest reservation: Sec. 1. Upon any tract of land not exceeding one hundred sixty acres where at least one-half is improved and devoted to agricultural purposes in this State there may be selected by the owner or owners thereof, as a private forest reservation, a portion thereof not exceeding one eighth of the total area of said tract, upon filing with the treasurer of the county in which it is located a description of such forest reservation as is hereinafter provided.

Trees required: Sec. 2. If such selection is an original forest, containing not less than one hundred seventy trees in each acre, it shall become subject to this act as herein provided.

Planting trees: Sec. 3. If any land owner shall plant not less than one hundred seventy trees on each acre of selected private forest reservation and shall cultivate and maintain the same for three years, then it shall become subject to this act as herein provided.

Part forest and part planted trees: Sec. 4. Upon any tract selected as a private forest reservation which contains one hundred or more original forest trees on each acre, the owner may plant a sufficient number of forest trees which shall make up the required one hundred seventy forest trees per acre, when the same shall become subject to this act as in section three.

Pasturage: Sec. 5. No land owner shall receive the benefit of this act who shall permit cattle, horses, sheep, hogs or goats to pasture upon such reservation until at least ninety per cent of said trees are four inches in diameter.

Removal of trees, etc.: Sec. 6. Whenever any tree or trees shall be removed or die, the owner, in order to avail himself of the provisions of this act, shall plant other trees in place of such trees as may be removed or die, and protect such trees until they are four inches in diameter, and shall at all times maintain the full number of trees per acre as required by this act.

Rules and regulations: Sec. 7. Subject to rules and regulations as may be established by the State Board of Agriculture, not more than one-fifth of the total number of trees in any private forest reservation shall be removed in any one year, excepting such trees as may die naturally, when other trees shall be planted.

Varieties: Sec. 8. The varieties of ash, hemlock, beech, maple, pine, oak, hickory, basswood, elm, locust, chestnut, walnut, butternut, ironwood, cedar, larch, tulip-tree, mulberry, osage orange, sassafras, catalpa and such other trees as the State Board of Agriculture may recommend shall be considered forest trees within the meaning of this act.

County treasurer, duty of: Sec. 9. It shall be the duty of the treasurer of each county to keep a record of all private forest reservations within such county as the same may be selected by the owner or owners thereof under this act; and said treasurer shall, on or before the first Monday in April in each year, certify to the supervisor or assessor of each township a description of the selected private forest reservations therein, and the name of the owner or owners thereof.

Supervisor, duty of: Sec. 10. It shall be the duty of the supervisor or assessor in each township to keep a record of all private forest reservations within his township as certified to him by the treasurer of said county, and he shall require the owner or his agent to subscribe under oath the extent and description of the land selected as private forest reservation, and that the number of trees is as required by this act, and that he will maintain the same according to the intent of this act.

Application and contract, etc.: Sec. 11. The said Board of Agriculture shall also prescribe the form of application and contract to be filed with the treasurer of the county wherein such application shall be made, and form of notice by treasurer to supervior or other assessing officer.

Exempt from taxation: Sec. 12. It shall be the duty of the supervisor or assessor to personally examine the various private reservations when the real estate is assessed for taxation, and to note upon his return the condition of the trees, and that same are properly planted and continuously cared for in order that the intent of this act may be complied with. If the said private reservation is properly planted and continuously cared for such part of its value as is over and above one dollar per acre shall be exempt from all taxation: *Provided,* When any owner of a forest reservation provided for in this act shall desire to cut and harvest trees in said reservation, he shall notify the tax assessor of his district of his said intention, whereupon the said assessor shall before the cutting thereof, estimate the cash value of the timber on the stump so to be cut and harvested, and shall issue a license to cut and remove said timber, which license shall be in effect upon payment to the collector of taxes of the district of a fee of five per cent of such appraised valuation. The assessor shall notify the clerk and the tax collector of his district of the issuance of such license. If any such timber is cut or removed without payment of such license fee, it shall be the duty of the tax collector to levy upon such timber for collection of such license fee in the manner provided by law for collection of personal taxes. Sections six and seven of this act shall govern the cutting and replanting of trees under this provision.

TIME LIMIT FOR COMMENCING SUITS AT LAW.

(Pages 252-253.)

No. 243, Public Acts, 1911.

Action for recovery of lands: Sec. 1. After the thirty-first day of December, in the year of our Lord eighteen hundred sixty-three, no person shall bring or maintain any action for the recovery of any lands, or the possession thereof, or make any entry thereupon, unless such action is commenced or entry made within the time herein limited therefor, after the right to make such entry or to bring such action shall have first accrued to the plaintiff, or to some person through whom he claims, to-wit:

First, Within five years, where the defendant claims title to the land in question, by or through some deed made upon a sale thereof by an executor, administrator or guardian, or by a sheriff, or other proper ministerial officer, under the order, judgment, decree or process of a court, or legal tribunal of competent jurisdiction within this State, or by a sheriff upon a mortgage foreclosure sale; or through a devise in any will which shall have been probated in this State for fifteen years, during which period no suit in chancery has been brought to test the validity of such devise: *Provided*, That in cases where such fifteen year period has already elapsed such rights of entry or action shall be barred after two years from the passage hereof, or in case such right has not accrued, then after two years from the accruing thereof;

Second, Within ten years, where the defendant claims title under a deed made by some officer of this State, or of the United States, authorized to make deeds upon the sale of lands for taxes assessed and levied within this State;

Third, Within fifteen years in all other cases.

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